

Box Elder Police Department Shooting Summary Detailing Events That Took Place on May 2, 2018

On 05-02-18, the Box Elder Police Department called the South Dakota Division of Criminal Investigation (DCI) to conduct an investigation into an officer involved shooting that occurred at 240 North Ellsworth Road, Lot #13, in Box Elder, SD. The shooting resulted in the suspect, Jason Traversie, being shot two times. Traversie died as a result of his injuries. The Box Elder Police Department Officer involved in the shooting was Officer John Cargill. The following information is a synopsis of the events that occurred on 05-02-18, and the investigation that was conducted by the South Dakota DCI.

Synopsis

At approximately 1:30 AM on 05-02-18, Box Elder Police Officers were dispatched to 240 N. Ellsworth Road, Lot #13, for a report of a disturbance. The reporting party called to report that her daughter had sent her a text message that read, "911". The reporting party said that the "911" text was code and that violence was occurring at the residence where her daughter lived.

Sgt. Joshua Campbell and Officer Nick Fahlberg were the first officers on scene. Sgt. Campbell and Officer Fahlberg made contact with Jason Traversie at the residence but Traversie refused to come outside or let the officers inside the residence. Traversie said that a female was inside the residence but she was sleeping. The female eventually came to the door but Traversie would not allow her to exit the residence. Eventually, the female was able to exit the residence and Traversie followed her out. Traversie was uncooperative with officers on scene as officers tried to separate Traversie and the female.

Officer John Cargill arrived on scene next and was able to speak privately with the female outside the residence. The female advised Officer Cargill that she had been assaulted by Traversie earlier in the day and that she was afraid Traversie was going hurt her further if she went back inside the residence. The female admitted that she had sent the "911" text to her mother as a code. The female then accompanied Sgt. Campbell back to his patrol car.

Meanwhile, Officer Cargill continued his investigation. While talking to Traversie on the deck of the residence, Traversie attempted to retreat back inside the residence. Traversie reached inside the residence and grabbed a large wooden club/handle. Traversie also opened the door, allowing two dogs to aggressively charge the officers. One of the dogs began to attack Officer Cargill. As Officer Cargill was retreating, he shot at the dog attacking him one time, but missed.

Traversie then ran out of the house with the weapon in his hand. Traversie had the weapon above his head as though he was going to swing it at Officer Cargill. Officer Cargill told Traversie to drop the weapon but Traversie did not comply. Instead, Traversie came at Officer Cargill with the weapon. Officer Cargill then fired his duty weapon 3 times, striking Traversie twice.

Officers administered first aid to Traversie until medical personnel arrived. Traversie was pronounced dead at the scene.

DCI Agents made contact with Officer John Cargill. A DCI Agent documented that Officer Cargill was wearing his Box Elder Police Department issued uniform. His duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- Officer Cargill's Glock 9mm handgun contained one round in the chamber and 12 rounds in the magazine.
- Two spare magazines associated with Officer Cargill's handgun contained 17 rounds each.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by Officer Cargill and witnesses present at the time of the shooting. Specifically, there were four spent 9mm shell casings found on scene, consistent with the area where Officer Cargill fired his handgun.

A wooden handle/club, approximately 3 feet in length and consistent with an axe handle, was found near the body of Jason Traversie. A picture of the axe handle is attached to this report.

A crime scene drawing was prepared and is also attached to this report.

Interview of Officer Cargill

On 05-03-18, a DCI Agent and an investigator from the Meade County Sheriff's Office interviewed Officer John Cargill. Officer Cargill said that he was on duty with the Box Elder Police Department on 05-02-18. At approximately 1:30 AM, he responded to 240 N. Ellsworth Road, Lot #13, for a report of a possible domestic violence incident in progress.

Officer Cargill said that Sgt. Joshua Campbell and Officer Nicholas Fahlberg arrived on scene before he did. As he approached the door to the residence, he heard Jason Traversie complaining to the officers already on scene that they had no reason to be at his residence. Traversie was not pleased that another officer (Cargill) arrived on scene as well.

Officer Cargill said that he asked the female at the residence if she was okay. The female responded that she was not and that she had called 911. Officer Cargill asked the female to come speak to him. Traversie responded by saying that was not necessary. Eventually, he was able to speak to the female privately. The female told Officer Cargill that Traversie had assaulted her earlier in the day. The female said that Traversie head-butted her, grabbed her and hit her. She was afraid that Traversie would kill her if she went back into the residence. Officer Cargill was finally able to get the female to accompany Sgt. Campbell back to his patrol car.

Officer Cargill said that he then re-approached Traversie. As soon as he told Traversie that he was investigating a domestic assault, Traversie opened the door and attempted to retreat into the residence. Traversie tried to use the door as a shield between him and Officer Cargill. Officer Cargill said that he attempted to grab Traversie.

Officer Cargill said that Traversie reached around behind the door, grabbed something, and started to turn. Officer Cargill said that he saw something in Traversie's hand at the time but he

was focused on the dog that was attacking him. Traversie was stumbling and appeared to reaching for or slapping at the dog. Officer Cargill said that Cargill began to run from the dog. While running, he saw that Traversie was chasing him with a weapon.

Officer Cargill said that he was backing up the entire time. Officer Fahlberg was right next to him as they were retreating. Officer Cargill said that the dog was right in front of him. He attempted to shoot the dog, but missed. Officer Cargill said that by this time, Cargill was completely off the porch. He saw Traversie running with a weapon in his hand, raised above his head.

Officer Cargill said that he told Traversie to, "Drop it!" and "No, no, no!"

Traversie did not comply but instead raised the weapon higher. Officer Cargill said that he was afraid that Traversie was going to strike him in the head with the club. Officer Cargill said that he fired his duty weapon at least two times at Traversie. Traversie fell to the ground. Sgt. Campbell and Officer Fahlberg arrived back to his position. Officer Cargill said that they provided first aid to Traversie.

Officer Cargill said that he fired his duty weapon because he was in fear for his life and safety, as well as Officer Fahlberg's life and safety. Officer Cargill believed Traversie was going to "smash his head in."

The information obtained from Officer Cargill was consistent with the witness statements, video recording of the incident, and the shooting scene investigation.

Witness Interviews

The female who resided with Traversie at 240 N. Ellsworth Road, Lot #13, said that she and Traversie had gotten into an argument earlier in the afternoon. Traversie assaulted her by slapping her multiple times and throwing her up against a counter. Traversie pulled her hair and ears. He also head-butted her in the nose. The DCI agent who spoke to the female documented bruising to the side of the female's forehead. The female said that Traversie had consumed more than 12 beers during the course of the day.

The female said that after she had gone to bed, Traversie woke her up at approximately 1 AM by brushing her nose. Her nose was still sore from being head-butted earlier in the day. Traversie was upset because the dogs had defecated in the house. Traversie threatened to kill her, her family, and the dogs. The female said that was when she sent her mother the "911" text, which was code for when Traversie became physical with her.

The female said that when law enforcement arrived, Traversie refused to go outside to speak to them. She was able to turn her head to the side and mouth the words, "Help me", to one of the officers. She was finally able to get outside and sit in one of the patrol cars. She left the patrol car door open. Though her view of the residence was obscured because of the position of the patrol car, she could hear an exchange from officers at the residence. She heard an officer say, "What is in your hands?"

She also heard an officer say, "Get down. Get down."

The female said that she then heard gunshots. She was unsure how many gunshots she heard, but estimated that there were three. The female said that Traversie had made statements earlier that day that officers would not take him back again and that they would have to shoot him first. Traversie also told her earlier in the day that if she called the police, "It's going to be a bloodbath and you probably won't make it out." The female said that Traversie made those statements prior to her "911" text. Traversie had made those statements to her in the past.

Sgt. Joshua Campbell said that he and Officer Fahlberg were patrolling together in the same patrol car. They were dispatched to 240 N. Ellsworth Road, Lot #13. Dispatch advised that they had received a call from a third party indicating she had received a "911" text from her daughter. Sgt. Campbell said that he and Officer Fahlberg arrived before Officer Cargill. They made contact at the door of the residence with Jason Traversie. Traversie refused to come out of his house or let them inside. Traversie confirmed that there was a female inside the residence but she was asleep. The female eventually came to the door but Traversie would not allow her to exit the residence to speak to them. Eventually, the female was able to come outside.

Sgt. Campbell said that Traversie followed the female outside. Sgt. Campbell described Traversie as, "irate" and "aggressive". Sgt. Campbell said that the female appeared uncomfortable talking in front of Traversie. Officer Cargill arrived and was able to talk to the female privately. Afterwards, Sgt. Campbell took the female back to his patrol car.

While speaking with the female at his patrol car, he heard Traversie become irate again. He could not make out what Traversie was saying. He also heard yelling from Officer Fahlberg and Officer Cargill but he could not make out what they were saying either. Sgt. Campbell said that when he looked over to the yard, it appeared that Officer Fahlberg was being attacked by dogs. He then heard Officer Cargill yell, followed by two to three gunshots. He was unsure how many gunshots he heard.

Sgt. Campbell said that he approached the area where Officers Cargill and Fahlberg were last speaking to Traversie. He saw that Traversie was on the ground and appeared to have been shot. He and the other officers immediately administered first aid until ambulance personnel arrived on scene and took over.

Officer Nicholas Fahlberg said that he was on duty, in plain clothes, accompanying Sgt. Campbell. They were dispatched to 240 N. Ellsworth Road, Lot #13, for a report of a disturbance. Dispatch had advised that the call had come in from a third party who advised she had received a "911" text from her daughter. The reporting party had said that the "911" text was code for violence.

Officer Fahlberg said that he and Sgt. Campbell were first to arrive on scene. They made contact with Jason Traversie through a window inside the door. They asked to come inside but Traversie refused to allow them inside. Officer Fahlberg said that they asked to speak to the female inside the residence. The female came to the door but Traversie said he did not want her to go outside to speak to them. The female eventually came outside and talked to them. Traversie exited the residence as well and stood next to the female.

Officer Fahlberg said that while speaking outside, the female whispered to him, "Help me".

Officer Cargill then arrived on scene and spoke to the female privately. They were finally able to get the female to accompany Sgt. Campbell back to his patrol car. Officer Fahlberg said that he

and Officer Cargill continued their conversation with Traversie. Officer Fahlberg described Traversie as verbally confrontational. Traversie admitted that he and the female had verbally argued earlier in the day.

Officer Fahlberg said that when Officer Cargill told Traversie that they were investigating a domestic violence call, Traversie immediately lunged for the door to the residence. He saw Traversie reach his hand into an unknown part of the residence. Dogs then began running out of the residence. He and Officer Cargill attempted to retreat off the front porch of the residence. Officer Fahlberg said that he turned his back and ran. One of the dogs was right on his heels. He reached for his gun at the same time he swung his flashlight at the dog chasing him. As he was sweeping his hand with the flashlight in his hand, he heard multiple gunshots.

Officer Fahlberg said that he walked back to the area where Officer Cargill was. He saw Traversie on the ground and unresponsive. He also noticed a club-like stick near Traversie's head. Officer Fahlberg said that officers administered first aid to Traversie until medical personnel arrived.

Video Evidence

Video/audio recordings from the patrol car cameras partially captured the incident. Because of the positioning of the patrol cars on the street, cameras were not able to directly capture the incident at the residence. One of the videos from a patrol car captured Sgt. Campbell standing near his patrol car with a passenger door open. It appeared Sgt. Campbell was talking with the female inside the patrol car. The video/audio depicted unintelligible verbal commands from Officer Cargill. Dogs can be heard barking, followed by one gunshot. Immediately after the first gunshot, another unintelligible verbal command can be heard. Officer Fahlberg was seen running from the residence. Two dogs appeared to be chasing Officer Fahlberg. The video/audio captured three more gunshots in succession, followed by more unintelligible audio from Officer Cargill. After the gunshots, Officer Fahlberg and Sgt. Campbell drew their weapons and carefully approached the area where the shots were fired. Audio captured Sgt. Campbell saying, "Shots fired. Shots fired."

South Dakota Forensic Lab Testing

The South Dakota Forensic Lab conducted testing on Officer Cargill's handgun. They concluded that all four of the shell casings found on scene matched Officer Cargill's duty weapon.

Medical Reports and Criminal History

A drug screen and blood alcohol test was conducted on Officer Cargill with negative results. Drug screens and blood alcohol tests were also conducted on Sgt. Campbell and Officer Fahlberg with negative results.

During the autopsy of Jason Traversie, DCI Agents documented that Traversie had been shot two times. One spent round was recovered from Traversie's body. Toxicology results showed that Traversie had THC in his system. Traversie's blood alcohol content (BAC) was .132 grams/dl.

DCI conducted a criminal history check on Jason Traversie. Traversie was arrested and convicted for crimes including: Attempted Aggravated Assault, Simple Assault-Domestic, Simple

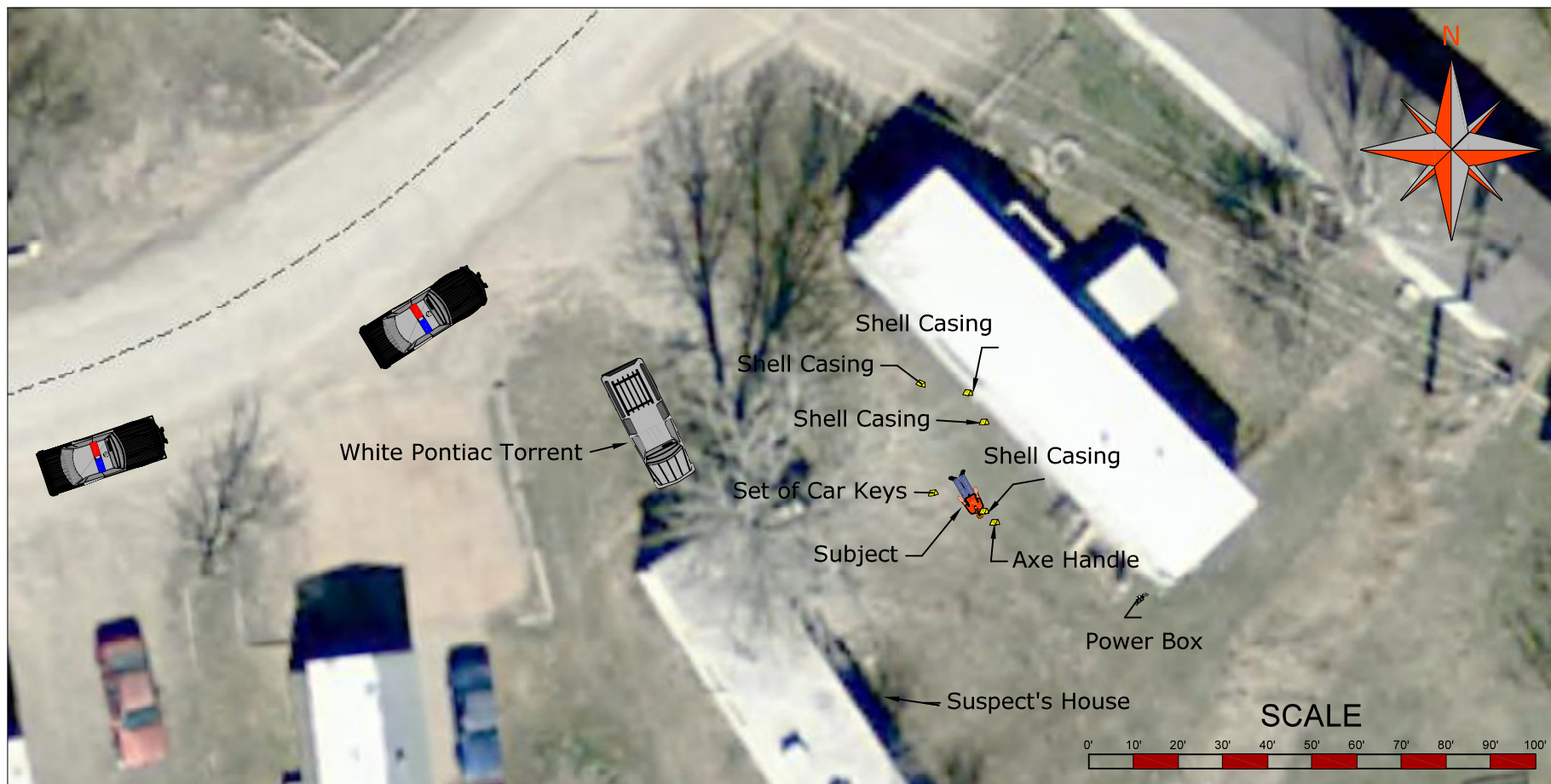
Assault, Resisting Arrest, Vandalism, Possession of a Controlled Substance, Possession of Marijuana, False Impersonation, and Disorderly Conduct.

Investigation Results

Based on the totality of the circumstances, a reasonable officer present at the scene utilized deadly force in a situation that was tense, uncertain, and building. Jason Traversie was non-compliant with officers on scene. He attempted to regain entrance into his residence, disobeying officers' commands, and let two aggressive dogs out of the residence. The dogs aggressively charged toward the officers. Traversie then grabbed a large wooden club/handle, similar to an axe handle, and raised it above his head in a threatening posture. Traversie continued toward Officer Cargill in this threatening manner, refusing Officer Cargill's commands to drop the weapon. Officer Cargill observed what he knew was a deadly weapon directed at him. Traversie had the means and opportunity to use deadly force and was a clear and present danger to Officer Cargill and other law enforcement at the time.

It is the conclusion of this report and the Attorney General that Box Elder Police Officer John Cargill was justified in firing his weapon and using lethal force.

The DCI crime scene investigation and review of the video are consistent with statements received from Officer Cargill and other witnesses.



Evidence Log

Evidence Marker 1 - Shell Casing

Evidence Marker 2 - Shell Casing

Evidence Marker 3 - Shell Casing

Evidence Marker 4 - Set of Car Keys

Evidence Marker 5 - Axe Handle

Evidence Marker 6 - Subject

Evidence Marker 7 - Shell Casing



Date of Occurrence:

May 2nd, 2018

Name:

Box Elder Officer Involved Shooting

Location:

240 N Ellsworth Road Lot 13 Box Elder, SD 57719

City or Area:

Box Elder

Investigating Agency:

Division of Criminal Investigation

Agency Director:

Lead Investigator:

Drawn By:

Trp. Siferd - HP 191

Date of Sketch:

May 2nd, 2018

File Number:

2018-2662



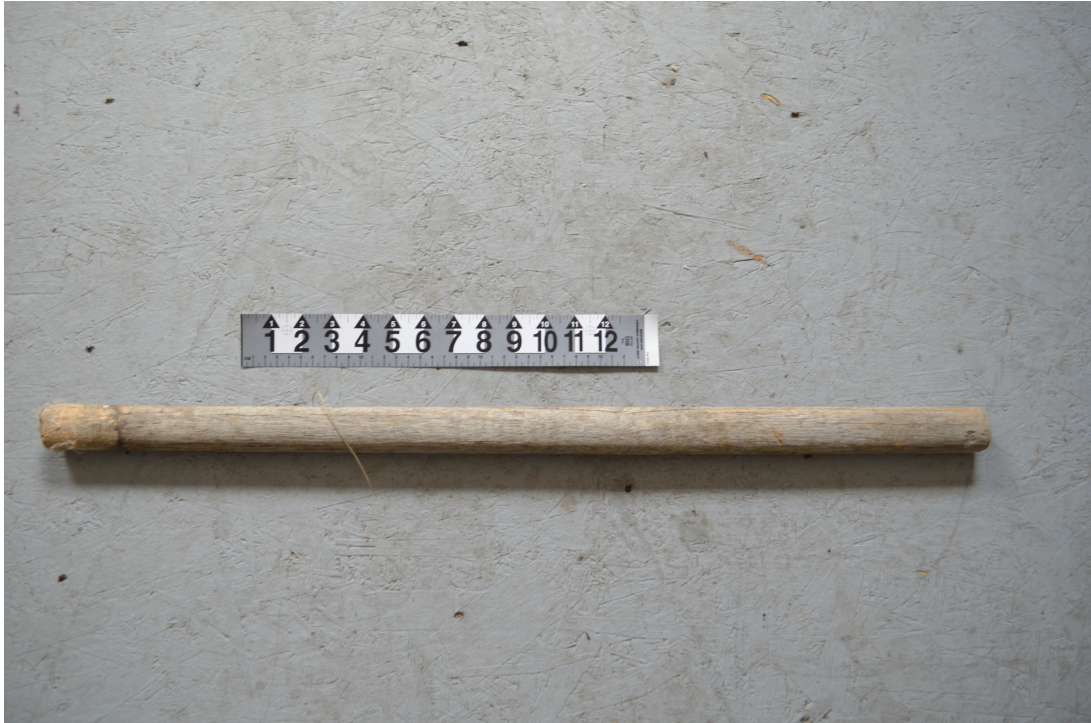
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Law Enforcement Training
State Forensic Laboratory

20181407NR-444 - Digital Photo - wooden handle
photos by MCSO Inv Williams (2)

Printed on May 24, 2018



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Comments:

Subjects: