

Pennington County Sheriff's Office Shooting Summary Detailing Events That Took Place on July 31, 2017

On 07-31-17, 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 at 701 Halsey Drive, Box Elder, SD. The shooting resulted in the suspect, Cruz DeLeon, being shot one time. DeLeon suffered a non-life-threatening injury to his right arm as a result of the shooting. The Pennington County Sheriff's Office Deputy involved in the shooting was Deputy Jakob Whittle. The following information is a synopsis of the events that occurred on 07-31-17, and the investigation that was conducted by the South Dakota DCI.

Synopsis

At approximately 1:20 PM on 07-31-17, Pennington County Sheriff's Deputy Jakob Whittle arrived at 701 Halsey Drive in Box Elder, SD, for a report of an individual at that address who was wanted on an outstanding warrant. The individual with the outstanding arrest warrant was identified as Cassandra Quiver. When Deputy Whittle arrived at the residence, he saw a woman that matched the description of Quiver walking toward the driveway of the residence and eventually out of sight. Deputy Whittle also noticed that there were several children in the yard.

Deputy Whittle approached the residence on foot and saw a minivan in the driveway. The minivan was occupied by an individual later identified as Cruz DeLeon. There was also a young child in the passenger seat of the minivan. The child eventually left the minivan and entered the residence after another child approached the minivan from the porch.

Deputy Whittle engaged DeLeon in conversation while DeLeon was still in the driver's seat of the minivan. Deputy Whittle asked DeLeon for his identification. DeLeon provided Deputy Whittle with a false name and refused to exit the vehicle when asked. DeLeon partially opened the door, but remained in the driver's seat. DeLeon then closed the driver's door and started the minivan. Deputy Whittle reopened the driver's door in an attempt to remove DeLeon from the vehicle; DeLeon slapped Deputy Whittle's hand away.

DeLeon refused to exit the vehicle. Instead, DeLeon pulled out a handgun and pointed the gun directly at Deputy Whittle. Deputy Whittle backedpedaled away from the minivan and engaged DeLeon by firing two rounds from his duty issued firearm. One round struck DeLeon in the right forearm area. DeLeon also fired two rounds from the handgun he possessed. No one was struck by any of the rounds fired by DeLeon. DeLeon was transported to Rapid City Regional Hospital for treatment and later arrested on a bond revocation for charges to include Possession of a Controlled Substance and Possession of a Firearm. Cassandra Quiver was arrested on scene for the outstanding warrants.

Deputy Whittle secured the firearm DeLeon possessed, along with two spent shell casings, in his patrol car for safety and evidentiary purposes.

Deputy Jakob Whittle was contacted by DCI Agents. A DCI Agent documented that Deputy Whittle was wearing his Pennington County Sheriff's Office issued uniform. His duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- Deputy Whittle's Glock 9 mm handgun contained 13 rounds in the magazine and one round in the chamber.
- Two spare magazines contained 15 rounds each.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by Deputy Whittle, witnesses present at the time of the shooting, and audio/video captured from a patrol camera. Specifically, there were two spent 9 mm shell casings found on scene consistent with the area where Deputy Whittle fired his duty weapon.

A Charter Arms Undercover .38 caliber revolver with three live rounds and two spent shell casings belonging to DeLeon were recovered from Deputy Whittle's patrol vehicle. This was consistent with the statements provided by Deputy Whittle and witnesses at the scene. One unspent .38 caliber round was recovered from inside the driver's side door of the minivan.

Multiple items of drug paraphernalia were recovered inside the minivan. Those items included digital scales, snort tubes with residue, and several plastic baggies. Lab testing confirmed the snort tubes tested positive for methamphetamine residue.

Interview of Deputy Whittle

On 08/01/17, DCI Agents interviewed Deputy Whittle. Deputy Whittle was on duty with the Pennington County Sheriff's Office when he was dispatched to 701 Halsey Drive in Box Elder. Dispatch advised that a person with outstanding arrest warrants was seen at that residence. That person was identified as Cassandra Quiver. Deputy Whittle said that he arrived on scene, parking between some shrubs and the residence east of the residence. Deputy Whittle stated that while he waited for other responding officers, he observed a woman he recognized as Quiver in the yard with several children. When he observed Quiver, he believed Quiver also observed him and she began walking toward the driveway of the residence. Deputy Whittle exited his patrol car and began walking toward the residence to attempt contact. As he was walking, he lost sight of Quiver as she apparently walked behind the home.

Deputy Whittle continued walking toward the residence. As he got closer, he made contact with a male, Cruz DeLeon, inside a minivan parked in the driveway. There was also a small child in the minivan with DeLeon. Deputy Whittle noticed that DeLeon appeared nervous when he approached him. DeLeon was abrupt, short with his answers, and would not look at him when talking to DeLeon. A young child approached the minivan. The child inside the minivan eventually exited the minivan after the other child approached from the porch area.

Deputy Whittle asked DeLeon for identification. DeLeon said that he did not have an I.D. and gave Deputy Whittle a false name. Deputy Whittle asked DeLeon to exit the vehicle. DeLeon refused. Moments later, DeLeon closed the door to the minivan and started the ignition. Deputy Whittle said that he grabbed the door handle in an attempt to pull DeLeon out of the minivan but DeLeon slapped his hand away. DeLeon continued to refuse to exit the minivan.

Deputy Whittle saw DeLeon reach under the seat and pull out a silver colored handgun. DeLeon pointed the gun directly at Whittle. Deputy Whittle said that he backpedaled away from the minivan and drew his duty weapon. Deputy Whittle said that he shot one time and believed the minivan began to roll forward. Deputy Whittle saw DeLeon point the gun directly at him from

inside the minivan. Deputy Whittle fired his duty weapon again. DeLeon disappeared inside the van. Deputy Whittle did not realize at the time of the incident that DeLeon had fired his weapon.

Deputy Whittle said that he did not see DeLeon again until DeLeon jumped out of the minivan as the minivan continued moving forward. Deputy Whittle and arriving backup officers detained DeLeon. Deputy Whittle noticed DeLeon had an injury to his right arm.

Deputy Whittle stated the minivan continued to roll forward before finally coming to a stop against a fence in the backyard of the residence. Deputy Whittle approached the vehicle and turned the ignition off. He saw the gun between the driver's seat and front passenger's seat. He noticed that the gun was a 5-shot revolver. Deputy Whittle said that as he cleared the revolver, he noticed that there were 2 spent casings and 3 unspent rounds in the gun. He secured the gun and rounds in his vehicle for safety purposes.

Deputy Whittle stated he utilized deadly force because he was in fear for his safety. A lot was going through his head at the time. Whittle felt that DeLeon was definitely going to shoot him.

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

Witness Interviews

A witness reported seeing individuals she recognized as Cruz DeLeon and Cassandra Quiver arrive at 701 Halsey Drive. She saw Quiver exit a silver minivan and enter the residence. DeLeon remained in the van. Shortly thereafter, a sheriff's deputy arrived.

The witness stated that the deputy approached the van and asked DeLeon to step out of the vehicle to talk to him. DeLeon did not step out of the vehicle. As the deputy tried to pull DeLeon from out of the van, she saw DeLeon point a gun at the deputy. The deputy backed up from the van and drew his duty weapon.

The witness stated she saw DeLeon with a silver colored gun in his right hand point the gun at the deputy. DeLeon then fired a round at the deputy who was behind the van. The deputy returned fire and shot out the back window of the van. The van continued moving forward as DeLeon got out of the van. The witness said that she believed DeLeon threatened the deputy's life.

Another witness at the scene described seeing a law enforcement officer on scene and asking DeLeon if he had a gun. This witness said that DeLeon presented a gun and the gun went off. The witness saw the deputy return fire, discharging his weapon twice.

A third witness described hearing Deputy Whittle ask DeLeon if he had any weapons and to step out of the van. DeLeon instead closed the door to the van. The witness said that DeLeon possessed a gun and made the gun go off.

Cassandra Quiver was interviewed by DCI and stated both she and DeLeon had outstanding warrants. Quiver also stated she heard three gun shots but did not see who fired the shots.

Audio/Video Evidence

An audio/video recording from a patrol car camera captured the incident. The audio/video depicted Deputy Whittle as he parked his patrol car east of 701 Halsey Drive. Deputy Whittle approached the residence and made contact with DeLeon inside a silver minivan. Deputy Whittle asked for identification. DeLeon said that he did not have an I.D. and gave Deputy Whittle a false name. Deputy Whittle asked DeLeon to step out of the car multiple times. DeLeon refused.

Audio/video from the patrol car camera recorded some type of struggle at the vehicle. Shots were heard on the audio. The silver minivan moved forward toward the south, stopping about parallel with the front porch. DeLeon appeared to exit the vehicle and went to the ground. Meanwhile, the vehicle continued to move forward in a southerly direction.

Deputy Whittle called into dispatch advising shots had been fired. Deputy Whittle also ordered DeLeon to get down on the ground. Backup officers arrived on scene almost immediately. DeLeon was detained and was administered first aid. Medical personnel arrived on scene shortly after the incident.

South Dakota Forensic Lab Testing

The South Dakota Forensic Lab conducted testing on Deputy Whittle's duty weapon. They concluded that both shell casings found on scene matched Deputy Whittle's firearm.

The South Dakota Forensic Lab also concluded that the two .38 caliber shell casings found on scene matched the handgun DeLeon used to fire toward Deputy Whittle.

Medical Reports and Criminal History

A drug screen and blood alcohol test was conducted on Deputy Whittle with negative results.

A drug screening and blood alcohol test wasn't collected from Cruz DeLeon as medical treatment was being administered.

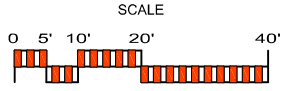
DCI conducted a criminal history check on Cruz DeLeon. DeLeon was arrested and convicted for crimes including Possession of Alcohol by a Minor. During the time of the shooting on 07-31-17, DeLeon had an outstanding arrest warrant for charges of Ingesting Drugs Other Than Alcohol, Possession Drug Paraphernalia, Commission of Felony While Armed with Firearms, Possession Unauthorized Controlled Substance, and Domestic Violence Assault.

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. DeLeon possessed a .38 caliber revolver and fired in the direction of Deputy Whittle. Deputy Whittle observed what he knew was a deadly weapon pointed at him. DeLeon had the means and opportunity to use deadly force and was a clear and present danger to Deputy Whittle at the time.

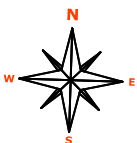
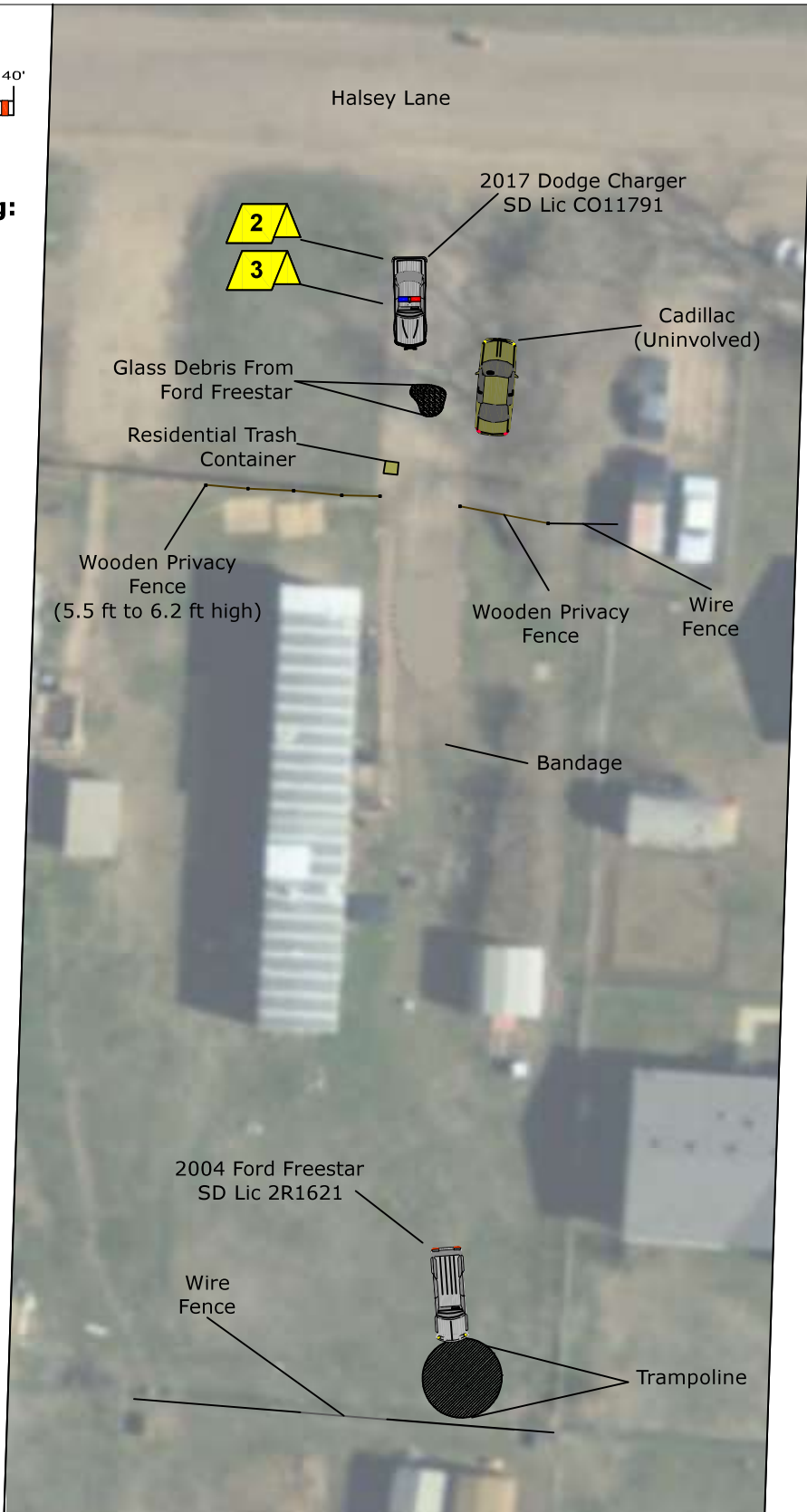
It is the conclusion of this report and the Attorney General that Pennington County Deputy Jakob Whittle was justified in firing his weapon and using lethal force.

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



Evidence Listing:

- 2** - Shell Casing
- 3** - Shell Casing



Incident / Description
Law Enforcement Involved Shooting

Location
701 Halsey Ln
Box Elder, SD

Investigating Agency
SD Division of Criminal Investigations

Lead Investigator
Agent Address
Drawn By
Chastain, ID597, RCPD

Report Number
20172444

Date of Incident
7/31/17

Date of Drawing
8/2/17

INCHES
0 1 2 3
1800-347-1200
EVI-PAO

