

Custer County Sheriff's Office Shooting Summary Detailing Events That Took Place on January 3rd, 2021

On 01-03-21, the Custer County Sheriff's Office (CCSO) requested the South Dakota Division of Criminal Investigation (DCI) investigate an officer-involved shooting that occurred at 811 Montgomery Street, Custer, SD. The suspect, Jared Frasier, was shot three times by a Custer County Sheriff's Deputy, hereinafter referred to as Deputy. As a result of the shooting, Frasier suffered life threatening injuries. The following is a synopsis of the events that occurred on 01-03-21, and the investigation that was conducted by the DCI.

Synopsis

At approximately 9:16 PM on 01-03-21, Custer County Dispatch received a 911 call from a female who said she needed help now, provided an address of 811 Montgomery Street and ended the call.

At approximately 9:17 PM, a Custer County Sheriff's Deputy arrived on scene and approached the residence on foot. The Deputy heard possible yelling from within the residence. The Deputy knocked on the door and made contact with an adult female and a juvenile male.

The adult female escorted the Deputy into the residence. A juvenile male immediately got on the ground as if he expected to get caught in possible crossfire. The juvenile male then made his way into his bedroom, which was the first door to the left within the residence.

The adult female called for Frasier as she and the Deputy approached Frasier's bedroom door. Frasier exited the bedroom with a handgun in his right hand and the adult female told him to put it away. Frasier asked the Deputy what they needed. The Deputy asked Frasier what was going on.

The Deputy observed a black 9 mm handgun in Frasier's right hand and instructed Frasier to "put it away" and to "drop the gun". Frasier raised the handgun toward the Deputy. The Deputy began to back away and unholstered their service handgun. The Deputy fired three rounds at Frasier, striking Frasier three times.

After being struck, Frasier turned and walked across the room to another doorway. Frasier had the handgun in his right hand and said, "stop dude" and the female recovered the handgun from Frasier and placed the handgun in the gun safe in the living room.

The Deputy relayed, "shots fired", to dispatch. The adult female and the Deputy rendered first aid to Frasier. Frasier was transported to Monument Hospital in Custer, SD, before being transported to Monument Hospital in Rapid City with life-threatening injuries.

Frasier was arrested on a later date for Aggravated Assault on Law Enforcement, Aggravated Assault – Domestic Violence and Simple Assault – Domestic Violence. Frasier is currently out on bond.

A DCI Agent and a Pennington County Sheriff's Office Investigator made contact with the Custer County Deputy. A DCI Agent documented that the Deputy was wearing their Custer County Sheriff's Office issued uniform. Their duty firearm and magazine were secured and inventoried. The inventory was documented as follows:

- The deputy's duty firearm, a Sig Sauer P226 .40 S&W caliber handgun contained one round in the chamber.
- The deputy's duty magazine contained 8 unspent rounds.
- Two spare magazines associated with the deputy's handgun contained 12 unspent rounds each.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by the Deputy, witnesses present at the time of the shooting and video from the Deputy's body-worn camera.

The incident occurred in the dining room of the residence located at 811 Montgomery Street. The front door of the residence led to a small entryway connected to the living room. The living room and dining room were connected, making one large L shaped room. Furniture and the dining room table created a corridor down the west wall leading to the kitchen. A grey gun safe was in the corner of the dining room near the entrance to the kitchen. Two bedrooms were located on the west wall of the living room and dining room. A third bedroom and bathroom were on the east wall off the dining room.

In front of the safe, several spots of the carpeted floor were saturated with a reddish-brown substance (RBS), believed to be blood. Medical waste (latex gloves, gauze packaging and bandages), a blood-soaked towel and clothing were also located in this area. The area is consistent with where Frasier laid down on his stomach and first aid was administered.

Three spent .40 caliber shell casings were found in the living room, consistent with the area where the Deputy fired their handgun.

The black High Point 9mm handgun Frasier exited his bedroom with was recovered in the gun safe in the living room where the female was observed placing the gun on the Deputy's body camera. The handgun had one live round in the chamber, seven additional rounds in the magazine and the safety mechanism was in the fire position.

A 7mm Savage rifle with a broken stock and bent scope was recovered from the scene, along with numerous other rifles, a second handgun, magazines and ammunition.

Agents observed and photographed a damaged five drawer clothing dresser in the first bedroom along the west wall. Agents observed one of the drawers was broken in half, with part of the dresser drawer laying on the floor.

Agents observed a suspected bloodstain consistent with a "cast-off" pattern (indicating the blood was transferred from a swinging object inside of the room) on the south wall of the first bedroom. Agents collected swabs of what appeared to be blood.

The South Dakota Highway Patrol mapped the incident scene. A copy of this map has been included with this report.

Interview of Custer County Sheriff's Office Deputy

On 01-06-2021, a DCI Agent and a Pennington County Investigator interviewed the Custer County Deputy. The Deputy said they were on duty with the Custer County Sheriff's Office on 01-03-2021.

The Deputy said they were approximately two blocks away from 811 Montgomery Street when Custer County Dispatch advised law enforcement of a female who "needed help now!" at that address. The Deputy said no further information was available because the caller had hung up. The Deputy said, based on experience, they suspected it was a domestic violence incident or medical emergency.

The Deputy said they activated their body camera and approached the residence. The Deputy said they heard yelling coming from inside of the residence. The Deputy knocked on the door of the residence. The Deputy said a female answered the door and invited the deputy in.

The Deputy noticed the female had blood on her face and chest that appeared to be from an injury to her face. The Deputy said they entered the residence and the Deputy observed a juvenile male crouched in the second doorway of the entryway leading into the house. The Deputy said they initially believed the call was for the juvenile fighting with his mother. The Deputy said the juvenile was extremely distraught and had fallen or crouched into a fetal or protective position. The Deputy said the juvenile male made an unintelligible utterance and thought the juvenile may be in crisis. The Deputy said the female directed the juvenile to his room and started yelling for Frasier to come out.

The Deputy said they took several steps forward and, as they passed the first bedroom on the left, the Deputy remembered seeing three children in the bedroom. The Deputy said they stopped in front of the first bedroom door and asked what was going on.

The Deputy said Frasier walked out of the second bedroom on the left. The Deputy said Frasier exited the room with a black semi-automatic handgun in his hand. The Deputy said they started to draw their duty handgun while telling Frasier to drop the gun or to put it down.

The Deputy said while drawing their duty handgun, Frasier raised the handgun and pointed it at the Deputy. The Deputy said they remembered shooting three times but thought they heard four "bangs". The Deputy said Frasier stumbled back past the dining room table and still had the gun in his hand. The Deputy said Frasier began to fall down. The Deputy said the female picked up the handgun and removed it from Frasier's reach.

The Deputy said they radioed for backup and a medical unit to respond to the location. The Deputy said they retrieved the medical bag out of the patrol car and rendered first aid to Frasier. The Deputy said other law enforcement arrived on scene and Frasier was transported by ambulance to the hospital. The Deputy said they remained on scene until the Deputy was brought back to the Custer County Sheriff's Office.

The Deputy said they believed the lives of the children, the female and the Deputy were in danger and didn't know if Frasier was going to shoot them. The Deputy said the only thought they had when Frasier started to raise the handgun to point it at the Deputy was "I need to shoot him, or I am going to die!".

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

Witness Interviews

The adult female said she left the residence around 5:00 PM and returned around 6:30 PM on 01/03/2021. The female said she could tell Frasier had been drinking. The female said Frasier was argumentative and bringing up topics from their past. The female said Frasier grabbed a laundry basket and she accidentally pinched his hand with the basket because she didn't want him to throw the clothes out. The female said Frasier got a small cut on his hand and tried to throw blood on her. The female said Frasier spit his chew at her. The female said Frasier wouldn't let her leave one of the children's bedrooms.

The female said they ended up in the juvenile male's bedroom and Frasier was yelling at her and the children. The female said Frasier slapped her across the face with an open hand and ripped her nose ring out. The female said Frasier got really mad and she heard the gun safe in the other room open.

The female said Frasier returned to the room with a hunting rifle, a 7mm Savage Rifle, and pointed it at her. The female stated Frasier said, "What you've done to me, I could fucking kill you." The female said Frasier also put the rifle barrel in his mouth. The female said she knew there was one round in the magazine from hunting season. The female said when Frasier put his hands on her, she was able to wrestle with him to get the round out of the rifle. The female said she recalled Frasier placing his hands near her throat to strangle her, but she was able to block him. Frasier did manage to get his hands on her and tore the front of her sweatshirt.

The female said Frasier got mad and broke the rifle on the juvenile male's dresser. The female said Frasier broke the stock off the barrel by swinging it like a baseball bat at the dresser. The female said Frasier also broke a deer horn set by snapping it.

The female said Frasier left and got a black 9mm pistol and pointed it at her from a distance of around six feet. The female said Frasier also put the pistol in his mouth and pointed it at his head. The female said Frasier didn't point the gun at the children, but they were present while he was pointing the guns at her and himself.

The female said she kept putting her hands up and asked him to calm down. The female said Frasier got "raged" and hit her on the forehead, either with the butt of the pistol or with his fist. The female said she started bleeding a lot.

The female said Frasier exited the room to get a beer and she was able to call 911 and provide the address and say she needed help before Frasier returned and she hung up.

The female said the Deputy knocked on the door. The female said she opened the door and told the Deputy she needed them now and showed them where Frasier was. The female said Frasier was standing in the bedroom doorway and still had the handgun in his hand.

The female said the Deputy instructed Frasier to put the handgun down. The female said she kept walking past Frasier because she didn't want to be between Frasier and the Deputy. The female said she didn't think Frasier pointed the handgun at the Deputy, but he didn't put the handgun down. Review of the Deputy's body-worn camera shows that Frasier did raise the gun from his side and point it at the Deputy.

The female said she thought the Deputy shot two times and Frasier fell down. The female said Frasier still had the handgun when he fell, and she grabbed the handgun from Frasier. The female said she did not know if Frasier fired any rounds.

The female said Frasier was shot in the shoulder and thought another bullet may have grazed him. The female said she rendered first aid to Frasier until medical personnel arrived on scene. After the event, while speaking to DCI Agents, she stated that she was “thankful to be alive.” She also noticed after shots were fired that there were “many more” firearms out of the gun safe, including a .270 rifle, a .22-50 rifle and a .17 rifle.

The juvenile male, who was present at the residence during the incident, said Frasier was drinking on January 3rd. The juvenile male said the adult female and Frasier began arguing around 9 PM and argued for approximately 30 minutes. The juvenile male said the adult female and two juvenile females came into his room.

The juvenile male said Frasier came in the room a short time later with a 7mm rifle. The juvenile male said Frasier pointed the rifle at the adult female. He said that Frasier never pointed the gun directly at him or at the juvenile females, but that the juvenile females were directly behind the adult female when Frasier pointed the gun at her. The juvenile male said Frasier broke the 7mm rifle into two pieces over the dresser in the bedroom.

The juvenile male said Frasier left the bedroom and returned a short time later with a 9mm handgun and pointed it at the adult female’s head. The juvenile male said he observed Frasier hit the adult female with the barrel end of the handgun.

The juvenile male said Frasier directed him to go to Frasier’s truck and get his case of beer. The juvenile male said he attempted to stall to allow time for the adult female to call 911.

The juvenile male said law enforcement arrived at the residence. The juvenile male said he got on the ground when the cop arrived because he was “scared” of fighting or “bullets”. The juvenile male said he didn’t want to get shot because Frasier was intoxicated. He stated that he knew Frasier was drunk because “he’s never like that unless he’s drinking.”

The juvenile male said Frasier hid in the doorway of Frasier’s bedroom when the Deputy first came to the residence. The juvenile male said Frasier came out of his bedroom and he remembered hearing the Deputy say drop the gun. The juvenile male said he assumed Frasier didn’t drop the gun because he heard one or two shots and watched Frasier stumble back and fall on the floor.

The juvenile male said he went into his bedroom and took care of the two young juvenile females who were at the residence.

One of the young juvenile females, who was present at the residence during the incident, said she saw Frasier hitting the adult female and pointing a gun at the adult female. The young female said Frasier was also throwing stuff at a dresser in the bedroom they were in.

Video Evidence

Video/audio recording from the Deputy’s body-worn camera captured the incident.

The video depicted the Deputy arriving at 811 Montgomery Street and approaching the residence on foot. The Deputy reported possible yelling from within the residence. The Deputy knocked on the door and made contact with an adult female and a juvenile male.

The adult female escorted the Deputy into the residence and toward the second door to the left, which was later identified as Frasier's bedroom. The juvenile male immediately crouched near the floor to avoid being caught in possible crossfire between Frasier and the Deputy. The Deputy had not drawn his firearm at this point. The juvenile male made his way into his bedroom, the first door to the left, within the residence.

The adult female called for Frasier as she and the Deputy approached Frasier's bedroom door. Frasier exited the bedroom with a handgun in his right hand and the adult female told him to put it away. Frasier asked the Deputy what they needed. The Deputy asked Frasier what was going on. The adult female can be heard instructing Frasier to "put it away" several times.

The Deputy observed the black 9mm handgun in Frasier's right hand and instructed Frasier to "put it away" and to "drop the gun". The Deputy began to back away and unholstered their service handgun. Frasier raised the handgun toward the Deputy. The Deputy fired three rounds at Frasier, striking Frasier three times.

After being struck, Frasier turned and walked across the room to another doorway. Frasier had the handgun in his right hand and said, "Stop dude." Frasier got on his stomach. The female recovered the handgun from Frasier and placed the handgun in the gun safe in the living room. The female moved several rifles in the room.

The Deputy relayed "shots fired" to dispatch. The adult female and the Deputy rendered first aid to Frasier until other officers and medical personnel arrived. The Deputy was replaced and removed from the immediate scene.

South Dakota Forensic Lab Testing

The South Dakota Forensic Laboratory conducted testing on the Deputy's handgun. They concluded the .40 caliber bullet removed from Frasier and the 3 shell casings found on the scene were fired from the Deputy's 40 caliber handgun.

The South Dakota Forensic Laboratory conducted testing on the 9mm handgun which Frasier was armed with. They concluded the 9mm handgun was functional and capable of firing.

Medical Reports

A drug screen and blood alcohol content test were conducted on the Custer County Sheriff's Deputy with negative results.

Medical records obtained from Monument Hospital indicated Frasier had been shot three times. The rounds struck Frasier in the right chest and right arm and shoulder.

A drug screen and blood alcohol test were conducted on Frasier. Tests of these samples were negative for drugs and Frasier's blood alcohol content (BAC) was .237 at the time the sample was collected.

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. Jerad Frasier had the means and opportunity to cause serious bodily injury or death and was an immediate threat and a clear and present danger to the Custer County Sheriff's Deputy and other occupants of the residence at the time.

It is the conclusion of this report and the Pennington County State's Attorney the Custer County Sheriff's Deputy was justified in firing their weapon and using lethal force.

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