

Rapid City Police Department Shooting Summary Detailing Events That Took Place on June 17, 2017

On 06-17-17, the South Dakota Division of Criminal Investigation (DCI) was called by the Rapid City Police Department to conduct an investigation of an officer involved shooting that occurred at 310 Viking Drive, Rapid City, SD. The shooting resulted in the suspect, Joseph Hogan, being shot one time. Hogan died as a result of his injuries. The Rapid City Police Department Officer involved in the shooting was Officer Derek Uebel. The following information is a synopsis of the events that occurred on 06-17-17, and the investigation that was conducted by the South Dakota DCI.

Synopsis

At approximately 12:16 PM on 06-17-17, Rapid City Police Officers were dispatched to 310 Viking Drive in Rapid City for a report of a male outside the residence discharging firearms. The reporting party called 9-1-1 to report that Joseph Hogan had two firearms in his possession and was discharging those firearms from inside the garage. The reporting party advised that Hogan was likely under the influence of methamphetamine and prescription medications.

Officers from the Rapid City Police Department arrived on scene. Upon arrival, officers heard multiple gunshots come from Hogan's location. Over the course of the next 30 minutes, officers reported hearing sporadic gunfire originating from Hogan's location. Officers, with a view of Hogan near the garage, also witnessed Hogan with a scoped rifle in his hands.

Rapid City Police Officers prepared to deploy a loudspeaker sound system in an attempt to communicate with Hogan. As the sound system was being deployed, Officer Derek Uebel reported that a round fired from Hogan impacted a structure near where he was located.

Once the loudspeaker was set up, an officer gave Hogan multiple verbal commands to come out of the garage with his hands up. The officer told Hogan that he did not want to see anyone get hurt, nor did they want to hurt him.

At approximately 12:46 PM, officers saw Hogan exit the garage onto the driveway. Officers reported seeing Hogan with a rifle and a handgun in his hands. Officers reported that Hogan fired a round in their direction. Officer Derek Uebel fired his patrol rifle three times in return, striking Hogan once. Hogan was pronounced dead at the scene.

Officer Derek Uebel was contacted by DCI Agents. A DCI Agent documented that Officer Uebel was wearing his Rapid City Police Department issued uniform. His duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- Officer Uebel's Sig-Sauer AR patrol rifle contained 18 rounds in the magazine and one round in the chamber.
- A spare magazine associated with Officer Uebel's Sig-Sauer AR patrol rifle contained 25 rounds.
- Officer Uebel's duty handgun was not used.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by Officer Uebel and witnesses present at the time of the shooting. Specifically, there were three (3) spent .223 caliber shell casings found on scene, consistent with the area where Officer Uebel fired his patrol rifle.

One spent .45 caliber shell casing was found on scene, consistent with the area where Hogan fired the .45 caliber handgun.

Two firearms were collected near Hogan. They included a .45 caliber handgun with two unspent rounds in the magazine and one round in the chamber. A .308 caliber semi-automatic assault rifle was also collected near Hogan. The rifle was equipped with a scope and a bipod mounted to the frame. The rifle had one round in the chamber and 17 rounds in the magazine. Hogan also had a handgun holster attached to his belt. A handgun magazine, with nine (9) unspent rounds, was found in Hogan's pocket.

Multiple firearms to include two (2) long rifles, a shotgun, and a handgun were recovered in the garage where it was reported Hogan fired several rounds. Multiple spent and unspent rounds/casings from various firearms, consistent with the firearms found on scene, were also recovered.

Numerous projectile holes/defects were found in the garage and outside the garage near the scene, consistent with reports of rounds being fired by Hogan from inside the garage.

Interview of Officer Uebel

On 06-19-17, DCI Agents interviewed Officer Uebel. Officer Uebel said that he was on duty with the Rapid City Police Department when he was dispatched to 310 Viking Drive for a report of shots fired and family on scene where an active shooter was located. Officer Uebel said he arrived on scene, parking approximately 200 to 300 meters away from the residence, to block traffic. He walked in closer from that location to assist in setting up a perimeter. Officer Uebel said as he moved to a position of cover, he heard a gunshot come from Hogan's location.

Officer Uebel said he took a position of cover next to a neighbor's garage near Hogan's location. He heard, as other officers called out on the radio, that they had observed Hogan with a gun. Officer Uebel said as an officer began giving Hogan verbal commands to put down the gun and to come out with his hands up, a shot was fired in his direction. Officer Uebel explained he had heard the shot and saw the wood splinter near his location. This shot originated from Hogan's garage area.

Officer Uebel said he moved from his original location to an area of cover southeast of 310 Viking Drive. Officer Uebel had a view of Hogan's driveway from that location. Officer Uebel said when he first saw Hogan he could only see Hogan's head. Hogan was positioned between two vehicles in the driveway of the residence. Officer Uebel said Uebel moved approximately three feet to his left. When he did, he saw Hogan from the waist up with a rifle in his hand. Prior to seeing Hogan, other RCPD Officers had relayed information that Hogan was exiting the garage and was firing his weapon.

Officer Uebel then saw Hogan raise his gun. He ordered Hogan to drop his weapon. As he was giving Hogan loud verbal commands to drop the weapon, Hogan turned his attention to him

(Officer Uebel). Officer Uebel said he saw a muzzle flash from Hogan and heard a loud crack. Officer Uebel said first ducked and then returned fire with his .223 caliber patrol rifle. He did not see Hogan fall but believed Hogan had fallen between the two vehicles in the driveway. Officer Uebel said that he did not discharge his handgun.

Officer Uebel said he fired his weapon because he was in fear for his life and thought that he was going to be shot.

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

Witness Interviews

A witness who was at a residence across the street from 310 Viking Drive said he was standing outside the residence when police officers arrived in the area. The witness said he heard an officer use a portable speaker giving Hogan verbal commands. The witness said the officer repeatedly said, "Joe, put the gun down. We don't want you or anyone else to get hurt."

The witness said later, he saw the garage door open from 310 Viking Drive. The witness heard officers over the loudspeaker commanding Hogan to put the gun down. Seconds later, the witness heard a single gunshot that came from what he believed was Hogan. Immediately after the single gunshot, he heard approximately four other shots that came from what he believed was the officer. The witness believed the officers had no other choice but to return fire.

Another witness who lived in the neighborhood said he was at home when he heard what sounded like two gunshots coming from Hogan's residence. A short while later, a police officer arrived at his residence and advised him to evacuate the area. The witness said he heard more gunfire come from the direction of Hogan's residence. He saw law enforcement officers pointing their guns in the direction of the gunfire.

The witness heard law enforcement officers yell, "Drop your weapon." He then heard two small gunshots and one big pop (gunfire). The witness said he saw law enforcement officers converge on the scene after that.

Other witnesses reported hearing multiple gunshots coming from the direction of 310 Viking Drive.

A witness inside the residence of 310 Viking Drive said she heard several gunshots coming from inside the garage. The shots sounded like they came from various weapons. After law enforcement was notified, the witness attempted to retrieve an item from a room near the kitchen. The witness heard a gun go off from inside the garage. The witness dropped to the floor and saw breaking glass falling in her direction. She believed Hogan had fired a gun at her.

Video Evidence

A video recording from a patrol car camera captured the incident. The video depicted movement near a silver pickup in the driveway of 310 Viking Drive. The video depicted what appeared to be a barrel of a long gun pointed up toward the sky. Audio from the video recording captured radio traffic from an officer warning other officers that Hogan was waving the rifle around. The barrel of the firearm then lowered beyond view, pointed in a southeasterly direction. Approximately 15 seconds later, the audio from the video recording captured 4 gunshots.

South Dakota Forensic Lab Testing

The South Dakota Forensic Lab conducted testing on Officer Uebel's duty rifle. They concluded all three of the shell casings found on scene matched Officer Uebel's duty rifle.

The South Dakota Forensic Lab also concluded that a .45 caliber shell casing found on scene, by Hogan's body, matched the handgun Hogan used to fire in the direction of law enforcement.

Medical Reports and Criminal History

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

During the autopsy of Joseph Hogan, DCI Agents documented that Hogan had been shot one time. Multiple fragments were recovered from Hogan's body. Toxicology results showed that Hogan had methamphetamine and multiple prescription drugs in his system. Hogan had no alcohol in his system. Hogan died as a result of gunshot wound to the head.

DCI conducted a criminal history check on Joseph Hogan. Hogan was arrested and convicted for crimes including: Possession of a Controlled Substance, False Impersonation, DUI, and Possession of Drug Paraphernalia.

Investigation Results

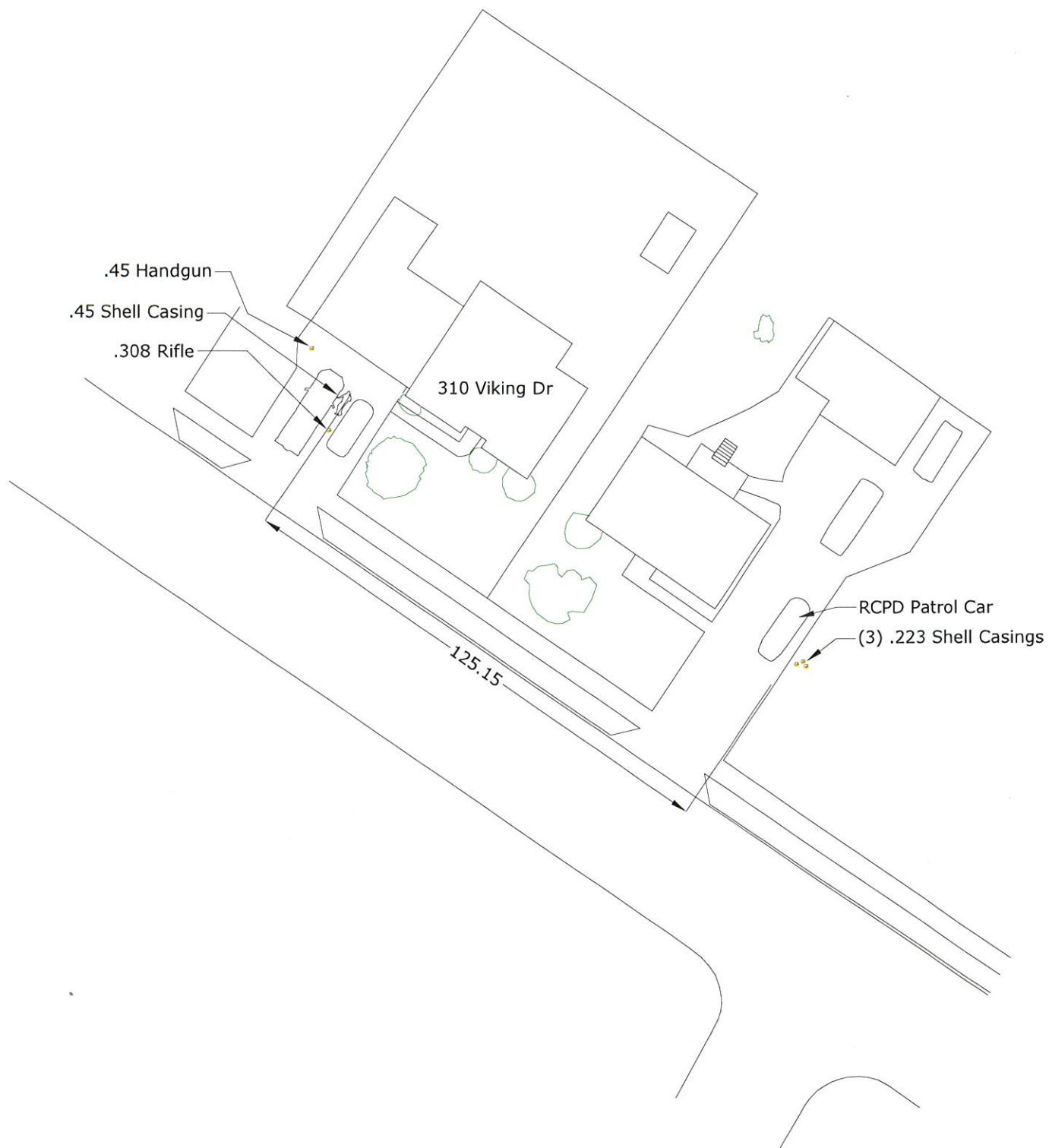
Based on the totality of the circumstances, a reasonable officer present at the scene utilized deadly force in a situation that was tense, uncertain and building. Hogan possessed multiple firearms, including a .45 caliber handgun which he fired at officers, and .308 semi-automatic assault rifle with a scope and bipod. Officer Uebel observed what he knew was a deadly weapon pointed at him and fired toward him and fellow officers by Hogan. Hogan had the means and opportunity to use deadly force and was a clear and present danger to Officer Uebel and other law enforcement at the time.

It is the conclusion of this report and the Attorney General that Rapid City Police Officer Derek Uebel 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 Uebel and other witnesses.







Officer Involved Shooting - Rapid City Police Department
Date of Incident: 06/17/2017
Case Number: 20171947
Map Drawn By: Sgt. Kevin R. Kinney, HP039

