

## **Sioux Falls Police Department/Minnehaha County Sheriff's Office Shooting Summary Detailing Events from July 3, 2024**

On July 3, 2024, the South Dakota Division of Criminal Investigation (DCI) was requested by the Sioux Falls Police Department (SFPD) and the Minnehaha County Sheriff's Office (MCSO) to investigate a shooting that occurred in Sioux Falls, SD at 600 South Minnesota Avenue. The suspect, Daniel Todd Augustine, was fatally shot by a MCSO Deputy after taking a store clerk hostage and holding a firearm to the clerk's head and body. The following is a summary of the events that occurred, and the results of the investigation conducted by the DCI.

### **Synopsis**

On July 3, 2024, at approximately 3:01AM, Daniel Augustine entered the Get N Go gas station at 600 S. Minnesota Ave. in Sioux Falls, SD and immediately fired two shots from a handgun into the ceiling. Augustine then jumped behind the counter, pointed his firearm at the clerk and demanded him to call 911. Augustine remained behind the counter with the clerk, pointing his firearm at the clerk many times.

A short time after Augustine entered the store, a SFPD Patrol Officer (SFPD Officer #1) arrived at the store to make a purchase, unaware of what had just occurred. Augustine fired a shot inside the store after noticing the officer outside. The officer walked to the south to speak with other patrons in the area as he investigated the noise. Augustine fired another shot through the store window in the direction of the officer.

A few minutes later, SFPD Officer #1 walked along the store toward the front door and made eye contact with Augustine. Augustine was pointing the firearm at the clerk at the time, but quickly moved the firearm and pointed it in the direction of the officer. The officer took cover first behind a store pillar, then moved to the rear of his patrol vehicle. A short time later, Augustine fired two more shots in the general direction of the officer. SFPD Officer #1 then fired one shot at Augustine through the front window. After this, Augustine moved behind the store clerk and used the clerk as cover.

Several officers arrived on scene and were set up at the front doors, which were eventually propped open. Negotiations were started and several attempts were made to get Augustine to surrender and allow the clerk to leave the store. Augustine remained non-compliant. As Augustine was speaking with negotiators, he stood behind the store clerk with his left arm around the clerk and the firearm pointed at or near the clerk for most of the time. Several times throughout the negotiations, Augustine erratically moved the firearm, waving it towards the clerk and officers.

Approximately 36 minutes after Augustine entered the store, a Minnehaha County Sheriff's Deputy (MCSO Deputy #1) shot one round from a sniper rifle, which struck and killed Augustine. The store clerk was removed from the store without harm.

### **Shooting Scene Investigation**

The shooting scene was processed by the DCI, which produced items of evidentiary value that corroborated statements from the SFPD Officers and MCSO Deputies, as well as from video surveillance retrieved from the store.

SFPD Officer #1 and MCSO Deputy #1 were processed at the Sioux Falls Law Enforcement Center. SFPD Officer #1 was wearing his full duty issued uniform to include a duty issued exterior vest displaying a police badge on the front of the vest and SFPD patches on either

shoulder. SFPD Officer #1's gear included a duty issued Glock 9MM handgun and magazines with remaining ammunition.

MCSO Deputy #1 was wearing his full duty issued uniform to include exterior vest carrier which displayed a sheriff's office badge. The gear that MCSO Deputy #1 was wearing included a duty issued 9MM handgun and magazines with ammunition.

During the scene investigation, there were two storefront windowpanes and one door windowpane that sustained apparent damage from fired bullets. One of the store front windowpanes and the door windowpane sustained damage from Augustine firing shots at SFPD Officer #1, who was approaching the storefront. The other storefront window sustained damage from SFPD Officer #1 firing back at Augustine, who was inside the store.

Five (5) fired 9MM casings were located inside of the store in and around the counter area where Augustine was located throughout this incident. Two of those casings were located near the front of the store, which is consistent with video surveillance footage showing Augustine immediately firing two shots in an upward direction as he entered the store. There were several bullet defects located inside of the store to include two into the walls and at least two more into the ceiling. One fired bullet was located on the floor inside the store.

There was one (1) fired 9MM casing located on the ground near SFPD Officer #1's patrol vehicle. A .308 bolt action rifle and one (1) fired .308 casing were located on the ground in the parking lot near the front doors to the store. These casings and the rifle were located in spots that were consistent with MCSO Deputy #1 and SFPD Officer #1's statements as to where they were positioned when they fired their duty weapons.

A Glock 9MM pistol was located on Augustine's person, cradled by his arms and chest area, behind the counter area. This pistol was consistent with statements from officers on scene that noted Augustine was holding a black handgun in his right hand during the incident.

#### **Interview: SFPD Officer #1**

SFPD Officer #1 was interviewed on July 10, 2024, by DCI Special Agents at the Sioux Falls Law Enforcement Center. SFPD Officer #1 was working his normal shift which started the night of July 2<sup>nd</sup> and went into the morning hours of July 3<sup>rd</sup>. SFPD Officer #1 arrived at the Get N Go gas station to purchase food, unaware of what had previously occurred with Augustine and the store clerk.

Upon arrival to the store, SFPD Officer #1 heard a pop and glass breaking. A moment later, SFPD Officer #1 looked up and saw the storefront window had a hole in it. SFPD Officer #1 first located two persons outside of the store near a vehicle and walked over to question them about the noise and damage. SFPD Officer #1 was also scanning the immediate surrounding area looking for any threats. At this time, dispatch was advising SFPD Officer #1 of the 911 call incoming from the store.

SFPD Officer #1 started to walk toward the front doors of the store. As SFPD Officer #1 walked past a window, he looked inside and made eye contact with Augustine. Augustine had the handgun pointed at the clerk, and once Augustine saw him, he directed the pistol at SFPD Officer #1 and fired. SFPD Officer #1 took cover behind a pillar and then the patrol car. Augustine continued to fire more shots in the direction of SFPD Officer #1 as he took cover.

Once Augustine stopped firing shots at him, SFPD Officer #1 was able to move to the passenger side of the patrol car. He noted that Augustine was separated from the clerk but was still an active threat. SFPD Officer #1 fired one shot in the direction of Augustine with his duty issued 9MM handgun. The fired round did not strike Augustine. He advised that several other officers arrived on scene at this time. SFPD Officer #1 remained on scene until the incident ended.

**Interview: MCSO Deputy #1**

MCSO Deputy #1 was interviewed on July 10, 2024, by DCI Special Agents at the Sioux Falls Law Enforcement Center. MCSO Deputy #1 was working his normal shift, which started the night of July 2<sup>nd</sup> and went into the morning hours of July 3<sup>rd</sup>.

Deputy #1, who is also a marksman for the Sioux Falls SWAT Team, was working north of Sioux Falls in rural Minnehaha County when he overheard the radio traffic of shots fired, and a hostage situation at the Get N Go. MCSO Deputy #1 arrived on scene and was briefed on the situation. He obtained information on the suspect, Daniel Augustine, and was advised that a clerk was being held hostage. MCSO Deputy #1 was given clothing and physical descriptors of both. MCSO Deputy #1 noted several windows that had apparent bullet holes.

MCSO Deputy #1 took up several different positions around the perimeter of the Get N Go station in an attempt to locate a clear line of sight at the suspect. Eventually MCSO Deputy #1 moved to a position of concealment behind several SFPD Officers and one MCSO Deputy (MCSO Deputy #2). These officers were positioned just outside of the two main doors to the store. MCSO Deputy #1 placed his rifle on the shoulder of a SFPD Officer who was positioned at the door. MCSO Deputy #1 was able to observe Augustine and his movements through his rifle scope while at this position.

MCSO Deputy #1 observed the clerk and described him as appearing extremely afraid. MCSO Deputy #1 reported that Augustine appeared to be crouching down and using the clerk as a human shield. Augustine would occasionally peek out from behind the clerk but maintained a position behind the clerk's body. MCSO Deputy #1 could hear MCSO Deputy #2 attempting to negotiate with Augustine, but Augustine remained verbally and physically non-compliant. MCSO Deputy #1 described Augustine as acting in an excited and aggressive manner.

MCSO Deputy #1 continued to note that Augustine was maintaining a concealed position behind the clerk with the handgun in his right hand. At one point, Augustine briefly separated from the clerk, exposing his head. At this time, MCSO Deputy #1 fired one shot from his .308 rifle, which struck Augustine in the head. Augustine fell down out of sight behind the counter. Several officers then entered the store and brought the store clerk out to safety.

MCSO Deputy #1 advised that during the incident, he observed Augustine with a firearm in his hand being held at, or near the clerk. MCSO Deputy #1 observed that the clerk was terrified, and Augustine was not allowing the clerk to leave. Prior to arriving on scene, MCSO Deputy #1 had gained knowledge that the suspect had already fired multiple shots in the direction of a law enforcement officer and that Augustine had been pointing the firearm at the clerk as he held the clerk hostage.

**Interview: MCSO Deputy #2**

MCSO Deputy #2 was interviewed on July 3<sup>rd</sup>, 2024, by a DCI Special Agent at the Sioux Falls Law Enforcement Center. MCSO Deputy #2 advised that they arrived on scene after hearing radio traffic of this incident. The radio communications were of a possible robbery at the Get N

Go gas station and included reports of shots fired. MCSO Deputy #2 was also made aware that a clerk was being held hostage.

MCSO Deputy #2 advised that eventually he was positioned at the front doors with several SFPD Officers, who were holding a position just outside the front doors, with the doors propped open. MCSO Deputy #2 observed several windows with bullet holes, and Augustine holding a handgun while hiding behind the store clerk.

MCSO Deputy #2 eventually took over negotiations from a SFPD Officer as Augustine requested to speak with a deputy. MCSO Deputy #2 attempted several times to get Augustine to put his gun down, to come out of the store, and to allow the clerk to exit the store. Augustine would not comply with MCSO Deputy #2's requests.

Augustine made several requests. MCSO Deputy #2 advised Augustine that if he put the gun down and exited the store, they could fulfill those requests, but again Augustine was not complying. MCSO Deputy #2 continued to attempt negotiations with Augustine; however, he remained non-compliant up until MCSO Deputy #1 fired the shot that struck and killed Augustine.

#### **Interviews With Additional Officers**

Several other SFPD Officers who were on scene and posted at the front door of the store were interviewed by DCI Special Agents. The statements from these SFPD Officers were that they overheard the radio communications from SFPD Officer #1 and dispatch stating that there were shots fired at the Get N Go, and that there was a hostage situation.

These officers advised that as they took their positions at the front doors, they had already noted the damage to the windows and front door glass. They were also aware that SFPD Officer #1 was shot at and had returned fire on Augustine.

The officers advised that they were able to see that Augustine was in possession of a handgun and he was standing in a hiding/shielded position behind the store clerk. Oftentimes, Augustine was pointing the handgun at, or in the direction of the store clerk as Augustine held the clerk with his left hand/arm.

These officers advised that negotiations were attempted with Augustine, but he was verbally and physically non-compliant with the negotiators. These officers advised that they had concerns for the safety of the clerk, as Augustine had already showed he had the ability and intent to fire his handgun at law enforcement. They reported Augustine continually held the gun at or near the clerk.

All officers that were posted at the front door were wearing their full duty issued uniforms. Two of these officers were holding shields that displayed "POLICE" across the front of them as well.

#### **Employee Interviews**

At the time of this incident, there were two employees working at the Get N Go. One employee was behind the counter and the other was cleaning in the back area. Both employees were interviewed by DCI Agents on July 3, 2024.

Clerk #1 was working behind the counter when Augustine entered the store. Clerk #1 stated that Augustine immediately fired two (2) shots as he entered the store. Augustine then demanded

that the clerk call 911 and made a comment that he was being chased by fake cops. The clerk called 911 and was relaying to the dispatch center what Augustine was doing and saying.

Clerk #1 advised that Augustine made no comment about money, the till, or the safe. Augustine only demanded that the clerk call 911. Augustine made comments about his wife and kids being kidnapped, which were later found to be false claims. Augustine jumped behind the counter and was waving the handgun around in all directions. Augustine then fired three or four more times in random directions, with some of the rounds being fired outside of the store through the windows. The clerk could see a police vehicle outside, and the shots were in the general direction of the police car.

Augustine then took the clerk behind a smaller counter to the rear of the main checkout counter and held him there. Augustine was mumbling and not making sense with his statements as he held the clerk hostage. Clerk #1 advised that after the officers arrived, and were talking to Augustine, he was making comments that he would take himself out if they came in. Augustine just continued saying that he wanted more cops and the SWAT team there. Clerk #1 advised that he was scared for his life as Augustine was holding him hostage. Clerk #1 reported that Augustine held the gun at or near him for a majority of this incident.

Clerk #2 advised that he was in the back of the store cleaning when he heard some loud noises, which he recognized as gunshots. Clerk #2 exited the area he was cleaning and saw Augustine holding Clerk #1 at gunpoint. Augustine yelled at Clerk #2 to go back to where he was, so Clerk #2 walked to the back area again and called 911. Clerk #2 advised that he heard several more shots fired throughout the remainder of this incident.

### **Review of Get N Go Store Video**

The Get N Go Gas Station contained several video surveillance cameras, both on the interior and exterior of the store. The video surveillance cameras contained video but no audio. The video showed Augustine first arriving at approximately 3:00 AM in a vehicle and exiting from the rear driver's side door of the vehicle.

Augustine entered the store and pulled a black handgun from his pants pocket. He immediately fired two (2) shots. One shot was directed upward to the north and the second shot was fired straight upward. Augustine quickly jumped behind the counter and pointed the firearm at Clerk #1. There appeared to be comments being made by Augustine at this time. Clerk #1 grabbed a phone and appeared to be dialing. Augustine continued to point the handgun at Clerk #1 several times throughout the next few minutes.

Approximately three minutes after Augustine entered the store, SFPD Officer #1 arrived and exited his patrol vehicle. As SFPD Officer #1 walked toward the front door, Augustine fired one shot toward the front of the store. This fired round exited through a store front window. SFPD Officer #1 was seen walking to the south to speak with bystanders. A few seconds later, Augustine fired another shot toward the front of the store in the direction of SFPD Officer #1. This fired round again goes through a store front window.

Less than two minutes later, SFPD Officer #1 was seen walking back toward the front doors of the store. Augustine, while holding the firearm at Clerk #1, looked over to see SFPD Officer #1. Augustine then pointed his firearm in SFPD Officer #1's direction and fired one shot. This fired round exited through the front door glass. Augustine then fired another shot in the general direction of SFPD Officer #1.

SFPD Officer #1 moved around his patrol vehicle to the passenger side. SFPD Officer #1 fired one shot into the store, which went through the storefront glass. This shot does not strike Augustine, but he is seen ducking down behind the counter. Augustine then shielded himself behind Clerk #1, holding him in place with his left hand while holding the handgun in his right hand. Throughout the next several minutes, Augustine was seen hiding behind the clerk, oftentimes holding the handgun at or near the head and body of the clerk.

Several other officers arrived on scene and were eventually observed propping the front doors open and holding a position just outside the front doors. Officers appeared to be talking to Augustine. Augustine continued to hold Clerk #1 hostage at this time as he continued to keep his body and head behind the clerk.

Approximately thirty minutes after Augustine's arrival, MCSO Deputy #1 was seen moving up behind the officers at the front door and setting up his rifle. A few minutes later, MCSO Deputy #1 fired one shot from his rifle. This round struck Augustine. Several officers entered the store and took the clerk outside.

A review of body worn cameras, which contained video and audio from on scene officers and deputies, revealed information that was consistent with what was seen on the Get N Go surveillance cameras, as well as the officers' statements.

A review of the audio captured by the body worn cameras showed that SFPD Officers and MCSO Deputy #2 attempted several times to get Augustine to drop his gun and exit the store. They requested several times that Augustine allow the clerk to leave the store. Augustine denied these requests and continued to be non-compliant throughout this incident.

### **South Dakota Forensic Lab Testing**

The South Dakota Forensic Laboratory (SDFL) conducted testing on the 9MM handgun fired by Augustine, the 9MM handgun fired by SFPD Officer #1, and the .308 rifle fired by MCSO Deputy #1. All three firearms were found to be functioning properly.

The testing concluded that the fired .308 casing located in the front parking lot was fired by MCSO Deputy #1's rifle. The testing concluded that the fired 9MM casing located in the parking lot near the patrol car was fired from SFPD Officer #1's duty issued handgun.

The five fired 9MM casings located inside the store were fired from Augustine's Glock handgun. The fired bullet located inside the store was fired by Augustine's Glock handgun.

The information from ballistics testing is consistent with the investigation, which included the processing of SFPD Officer #1 and MCSO Deputy #1.

### **Medical Reports**

An autopsy was performed on Daniel Augustine on July 3, 2024. Augustine was shot one time. The bullet entered his upper left lip, just below and left of his nose. The bullet exited near his left ear.

Toxicology results showed that Daniel Augustine's blood was positive for a toxic level of Methamphetamine. Augustine's urinalysis testing results showed positive for Amphetamines (Methamphetamine) and Benzodiazepines (Oxazepam).

Blood and urine sample testing was conducted on both SFPD Officer #1 and MCSO Deputy #1. The testing results showed neither had any amount of alcohol in their blood. The testing results also showed neither had any illegal drugs in their urine samples.

### **Criminal History/Previous Incidents**

A review of Daniel Todd Augustine's criminal history showed multiple felony and misdemeanor arrests dating back to 2016. These arrests included robbery, aggravated assault with dangerous weapon, simple assaults, and obstructing law enforcement. Augustine was currently on active parole.

Augustine also had a history of mental illness reports with SFPD and MCSO. Augustine had threatened to harm himself in the past, as recent as a year ago. A report made on July 2, 2024, detailed that Augustine had contacted family and made threats to shoot himself.

Augustine was also involved in an incident at a gas station in Hartford, SD on June 28, 2024. In this incident, Augustine entered the gas station, jumped behind the clerk's counter, and stated that his kids were taken. This claim was again later found to be false. Augustine was agitated and made threats toward customers in the store during this incident. Augustine was placed on a mental health hold and evaluated as a result of this incident.

### **Conclusion**

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 rapidly evolving. Daniel Todd Augustine was in possession of a firearm and fired that weapon in the direction of a law enforcement officer. Augustine then held that firearm at or near Clerk #1 as he held him hostage. Augustine demonstrated the ability to use deadly force and was a clear and present danger to law enforcement officers on scene, as well as the store clerks. SFPD Officer #1 observed Augustine holding what he recognized as a deadly weapon, which was pointed and fired in the direction of SFPD Officer #1. MCSO Deputy #1 responded and also observed Augustine armed with a deadly weapon and posing a clear threat to Clerk #1 and the officers on scene.

This information is based on the investigation conducted by the DCI, crime scene processing, law enforcement officers' statements, and lab results. All the information is consistent with the described events that occurred on July 3, 2024, in Sioux Falls, SD.

It is the conclusion of this report and the South Dakota Attorney General that SFPD Officer #1 and MCSO Deputy #1 were justified in firing their weapons and using lethal force.



Suspect Daniel Todd Augustine fires his handgun as he enters a Sioux Falls gas station on July 3, 2024. (Store video)



Suspect Daniel Todd Augustine holds a gas station clerk hostage on July 3, 2024. (Store video)