

Sioux Falls Police Department Officer Involved Shooting Summary Detailing the Events That Took Place on July 14, 2023

Overview

On July 14, 2023, the Sioux Falls Police Department (SFPD) requested the South Dakota Division of Criminal Investigation (DCI) investigate an Officer Involved Shooting that occurred at 1320 North Duluth Avenue in Sioux Falls, SD. Sean Henry David Kilbourn was shot at and struck once by law enforcement after he pointed a loaded handgun at an officer. As a result of the shooting, Kilbourn was wounded, transported to a hospital for treatment and discharged the same night. The rounds were fired at Kilbourn by a Sioux Falls Police Officer. The following is a synopsis of the events that occurred on July 13 and 14, 2023, and the investigation that was conducted by the South Dakota DCI.

Synopsis

On July 13, 2023, at approximately 9:17 PM, the Sioux Falls Police Department received a report that a homeowner in the 800 block of West Brookings Street encountered a suspect burglarizing a vehicle inside the homeowner's garage. The homeowner reported the suspect pointed a firearm at them and threatened to shoot them before fleeing. The homeowner discovered the suspect stole a loaded handgun from their vehicle and pointed this firearm at the homeowner. The stolen handgun was identified as a 9mm Palmetto State Armory Dagger. A description of the suspect was given which included identifying information about the suspect. Officers searched the area for the suspect but were unable to locate him. The suspect in this case would later be identified as Sean Kilbourn.

Hours later, on July 14, 2023, at approximately 1:00 AM, three Sioux Falls Police Officers were near the intersection of North Prairie Avenue and West Rice Street discussing another investigation. The Officers noticed a male approach their location, then suddenly turn and walk in the opposite direction as if to avoid contact with the Officers. The Officers noticed this male matched the description of the suspect from the previous burglary and theft of a firearm call on Brookings Street. This male was carrying a backpack and was later identified as Kilbourn.

Officers followed Kilbourn to make contact with him. Kilbourn began to run but then walked again. A SFPD Officer (Officer #1) located Kilbourn and followed directly behind him. Officer #1 announced "Police" and ordered Kilbourn to stop. Kilbourn refused to comply and ran eastbound on West Russell Street Frontage Road. During the chase, Kilbourn discarded the backpack he had been carrying and continued to run. The foot pursuit continued east across North Duluth Avenue and Officer #1 observed Kilbourn run south after he passed the residence at 1320 North Duluth Avenue.

Officer #1 arrived at the area where Kilbourn was last seen and noted it was very dark. Officer #1 noticed there was a chain link fence and began to search the area with a flashlight. Officer #1 also had their duty issued handgun at the ready position. Officer #1 searched the area behind 1320 North Duluth Avenue which had a detached garage and a shed. As Officer #1 began to check the space between the garage and the shed, they encountered Kilbourn.

Kilbourn was located lying on the ground next to the shed. Kilbourn was armed with a handgun and raised the weapon, pointing it at Officer #1. At approximately 1:04 AM, Officer #1 fired multiple rounds at Kilbourn while backing away from him. Kilbourn was struck by gunfire once in the buttocks. Some rounds struck the shed. Officer #1 moved to the opposite side of the shed and observed Kilbourn lying prone with his hands outstretched. Officer #1 gave Kilbourn commands and waited for other Officers to arrive.

Additional SFPD Officers arrived at the location and Kilbourn was taken into custody. Medical aid was immediately rendered. A black 9mm Palmetto State Armory Compact handgun was located on the ground in the area where Kilbourn had been at the time of the shooting.

Kilbourn was transported to Avera McKennan Hospital where he was treated for injuries and discharged soon after. Kilbourn was arrested on charges of Possession of Firearm by Former Drug Offender and a violation of parole.

SCENE INVESTIGATION

The shooting scene investigation was conducted by DCI and items of evidence, including video of the event, confirmed Officer statements.

A black 9mm Palmetto State Armory Compact handgun was located at the shooting scene. This handgun contained a magazine loaded with ammunition, including one round in the chamber. This handgun was confirmed to be the same firearm which had been stolen and used to threaten the homeowner at the previous burglary and theft of a firearm call on Brookings Street.

A total of eight (8) spent 9mm casings were recovered from the scene as well as four (4) bullets/fragments. There were bullet defects in the metal shed that indicated the shots were fired at a downward angle in an east to west direction.

Kilbourn's clothing, shoes, tobacco products, a drink can, and an unknown brown substance in a baggie were also recovered from the scene. The backpack discarded by Kilbourn was located nearby and also collected.

A crime scene forensic map was prepared by the DCI. The map is attached to this report along with photographs of the recovered firearm.

SEAN KILBOURN INTERVIEW

A DCI agent attempted to conduct an interview with Kilbourn. Kilbourn said that he was lying on the ground when the Officer shot him. He also said the Officers started chasing him as he was walking. Kilbourn would not provide any other information.

OFFICER #1 INTERVIEW

On July 21, 2023, at approximately 2:00 PM, a DCI Special Agent conducted an interview with Officer #1. Officer #1 stated they began their regularly scheduled shift on July 13, 2023, at 8:00 PM and was scheduled to end on July 14, at 6:00 AM. On this shift, Officer #1 was assigned to work a patrol response detail partnered with another Officer in the same patrol vehicle. Officer #1 identified they were assigned to patrol the City of Sioux Falls.

Officer #1 advised that on July 13, between the hours of 9:00 PM and 9:30 PM, while on patrol, there was a weapons violation that was aired to Officers through dispatch. Dispatch indicated that a homeowner at a residence had encountered a male burglarizing a vehicle in a garage. Officer #1 advised the information also indicated that the male suspect had pointed a firearm at the homeowner who confronted him. It was also relayed that the firearm the suspect possessed had belonged to the homeowner. Officer #1 recalled the information indicated the stolen firearm was loaded and that the male had fled the scene on foot. Officer #1 and additional SFPD Officers responded to this call to assist in searching the area for the suspect and obtained a description of the suspect from dispatch. The description of the suspect included details on clothing and physical characteristics. Officer #1 advised they cleared this scene without locating the suspect and resumed regular patrol duties.

Officer #1 advised that later in the shift on July 14, Officers were in the 700 block of West Rice Street discussing a different investigation when they observed a male walking toward them. Officers noted this male matched the description of the suspect from the previous weapons violation and that he was also carrying a backpack. This male was later identified as Kilbourn. Officer #1 recalled Kilbourn noticed the Officers and had a bewildered look on his face as he immediately began to walk in the opposite direction.

Officer #1 reported that the three Officers present began to follow Kilbourn as he walked, then ran northeast. The Officers separated from one another to close off avenues of escape and to attempt to intercept Kilbourn. Officer #1 noticed Kilbourn was walking east along Russell Street Frontage Road. Officer #1 placed the beam of their handheld flashlight on Kilbourn and announced "Police, stop." Kilbourn began to run eastbound, discarding his backpack in the process. Officer #1 chased Kilbourn while ordering him to stop. During the chase, Officer #1 observed Kilbourn had his hand in front of his body but was unsure if he was reaching for anything.

The chase crossed Duluth Avenue and Officer #1 witnessed Kilbourn head south behind the residence of 1320 North Duluth Avenue. When Officer #1 arrived at this area, there was no more visual contact with Kilbourn. Officer #1 recalled the area was very dark and it was unknown where Kilbourn went. Officer #1 did not know where other officers were located. Officer #1 was alone in a very dark environment and had information that Kilbourn may be armed with and had already pointed a firearm at another person. Officer #1 decided to draw their service weapon.

Officer #1 noted there were some outbuildings nearby, including a detached garage and shed that needed to be searched. Officer #1 advised they began to search the area between the shed and the garage. This is when Officer #1 observed Kilbourn lying on the ground on his side. Officer #1 identified Kilbourn was raising his arm in Officer #1's direction and observed Kilbourn was holding a handgun in his left hand. Officer #1 recalled Kilbourn was holding the handgun in a way one would hold it to shoot, and the firearm was pointed directly at Officer #1. Officer #1 advised they fired their service weapon at Kilbourn multiple times while backing away.

Officer #1 advised that Kilbourn was pointing the firearm directly at them. Officer #1 felt terrified, believed they were about to be shot, and thought they were going to die. Officer #1 stated that following the shooting they radioed that shots were fired and moved to the other side of the shed for a different approach. From this vantage point, Officer #1 observed Kilbourn lying on his stomach with his hands out in a surrender position. Other Officers responded to safely take Kilbourn into custody and render aid. Officer #1 observed an injury to Kilbourn's buttocks area. Officer #1 reported they noticed a firearm on the ground in the location where Kilbourn had been at the time of the shooting.

Officer #1 advised they later learned that Kilbourn was taken to the hospital, treated, and then discharged.

VIDEO EVIDENCE

Videos from officer body worn cameras and patrol vehicle dash cameras were viewed. The following was clearly observed through the recordings.

Officers were at another call for service when they noticed a male, Kilbourn, approach them. The Officers commented that the male matched the description from a previous weapons violation call and identified they were in the same general area. The Officers began to follow Kilbourn as he turned and walked away. Kilbourn began to run. The video showed Officer #1 following Kilbourn. Officer #1 orders Kilbourn to stop. Kilbourn began to run and Officer #1 chased him while loudly yelling "Police! Stop!"

Officer #1 chased Kilbourn to the area of 1320 North Duluth Avenue when Officer #1 lost sight of Kilbourn. Officer #1 searched the very dark area between a shed and an unattached garage located behind the residence.

As Officer #1 began to search the west side of the shed, Kilbourn's foot was visible toward the bottom of the shed. Officer #1 began to give commands, "let me see your," followed by eight (8) gunshots. The video showed Officer #1 backing away as the shots were fired. Officer #1 assumed a position on the north side of the shed and gave commands to Kilbourn and Kilbourn complied.

Officer #1 remained in this position and continued to give commands to Kilbourn until other Officers arrived. The video showed Officers take Kilbourn into custody and noting the location of Kilbourn's firearm on the ground. Officers immediately provided medical aid to Kilbourn until he was transported to a hospital by ambulance.

FORENSIC FIREARM EXAMINATIONS

Officer #1 fired their duty issued Glock Model 17 9mm handgun eight (8) times. The firearm is carried, loaded with a total of eighteen (18) rounds; including seventeen (17) rounds in the magazine and one (1) round in the chamber. After the shooting, there were ten (10) rounds that remained.

The South Dakota Forensic Laboratory conducted testing on Officer #1's firearm. The casings recovered from the scene were also examined. All eight (8) shell casings were determined to have been fired from Officer #1's duty weapon.

The South Dakota Forensic Laboratory also conducted testing on the 9mm Palmetto State Armory Compact handgun recovered from the scene and confirmed this firearm to be same one that had been stolen and was determined to be functional.

MEDICAL REPORTS AND CRIMINAL HISTORY

Drug and alcohol tests were conducted on Officer #1. All test results were negative for any drugs or alcohol.

Medical records indicated that Sean Kilbourn had two wounds to the left buttock and a small abrasion to the right ankle. It was determined that Kilbourn suffered a single gunshot wound to the left buttock, consisting of an entrance and exit wound.

Drug and alcohol tests were conducted on Sean Kilbourn. The test results determined alcohol was not present in Sean Kilbourn's system; however, the presence of THC, amphetamine and methamphetamine were detected.

The unknown brown substance in a baggie located at the scene was examined at the laboratory. This substance was determined to be Fentanyl.

A criminal history review on Sean Henry David Kilbourn was conducted and showed that he was on parole for charges including Use and Possession of Controlled Substances, Escape, Grand Theft, and Assault on Law Enforcement. Kilbourn's criminal history showed other prior offenses including Felony Drug Offenses, Domestic Assault,

Burglary, Resisting Arrest, and Possession of a Firearm by a Person with a Prior Drug Conviction.

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 rapidly evolving. Sean Kilbourn had the means and opportunity to use deadly force and was a clear and present danger to law enforcement on scene. The investigation revealed that at the time law enforcement made contact with Kilbourn he was armed with a loaded and functional handgun. Kilbourn was actively pointing the loaded handgun at Officer #1 at the time the Officer utilized deadly force.

It is the conclusion of this report and the South Dakota Attorney General that Officer #1 was justified in firing their weapon and using lethal force.

The DCI crime scene investigation, evidence collection, and review of the videos are consistent with statements received from law enforcement present at the time the events unfolded.

SCENE PHOTOS



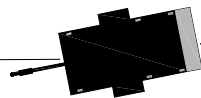
Above: Kilbourn's firearm next to the shed.

Below: Kilbourn's firearm confirmed to be loaded.

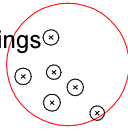




Russell St
Frontage Road



Fired Casings ⊗



Garden Shed



1320 N Duluth
Detached Garage

Fence

1318 N Duluth
Garage

1320 N Duluth



1318 N Duluth



Title

Sioux Falls PD Officer Involved Shooting

Location

1320 North Duluth Avenue, Sioux Falls, SD

Investigating Agency

South Dakota Division of Criminal Investigation

Case #

20232991

Date of Incident

July 14, 2023

3D Scan / Drawn By

Special Agent Isaac Voss

Section / Unit

South Dakota DCI

Scale

Not to Scale