

Rapid City Police Department Officer Involved Shooting Summary Detailing Events That Took Place on July 26th, 2022

On July 26, 2022, the Rapid City Police Department (RCPD) requested the South Dakota Division of Criminal Investigation (DCI) investigate an officer involved shooting that occurred at 1565 Haines Avenue in Rapid City, S.D. Marvin Moran Jr. was fatally shot during a confrontation with two Rapid City Police Officers. The following is a synopsis of the events that occurred on July 26th, and the subsequent investigation that was conducted by the DCI.

Synopsis

On July 26, 2022, at 10:37 PM MST, Pennington County Public Safety Dispatch received a 911 call from Chances Casino in Rapid City. The caller reported a male subject (Marvin Moran Jr.) was brandishing a gun outside the casino in the parking lot. Audible gunshots could be heard in the background during the call. Patrons of the casino relayed information to the caller regarding Moran's location and a description of his clothing.

Officer #1 and Officer #2 both received the dispatch notification of a weapons call at Chances Casino. The officers responded to the call for service from approximately six blocks away and arrived at around 10:39 PM. As Officer #1 entered the Chances Casino parking lot, Moran advanced on Officer #1's patrol car and displayed a firearm. While Moran was within feet of Officer #1's patrol car, he fired his weapon toward the front of the patrol car. Officer #1 escaped their patrol car and retreated to cover toward the rear of the vehicle. Officer #1 drew their duty issued firearm and returned fire toward Moran while moving to the passenger side of their patrol car.

Officer #2 was directly behind Officer #1 as they pulled into the parking lot. Officer #2 observed Moran directly in front of Officer #1's patrol car with a weapon. Once Moran fired toward Officer #1's vehicle, Officer #2 drew their duty sidearm from a seated position inside their patrol vehicle. Officer #2 discharged multiple rounds through the front windshield of the patrol vehicle toward Moran. Moran fell to the ground near the front driver side tire of Officer #1's patrol car. Officer #1 continued to move around the passenger side of the patrol car until Moran came into view from his prone position on the ground. Officer #1 fired several rounds at Moran from the passenger front of the patrol vehicle until Moran was incapacitated.

Officer #2 secured Moran in handcuffs and checked Officer #1's condition. Life saving measures on Moran were terminated due to obvious criteria of death. Officer #1 and Officer #2 had their firearms secured by supervising officers with the Rapid City Police Department and Pennington County Sheriff's Office.

The incident was partially captured by Officer #1 and Officer #2's body worn cameras.

The scene was secured by the Pennington County Sheriff's Office and the South Dakota Highway Patrol pending a DCI investigation.

DCI Agents contacted the two RCPD Officers involved in the incident.

Agents documented that Officer #1 was wearing their Rapid City Police Department issued uniform. Officer #1's duty firearm was documented and inventoried as follows:

- Glock 9mm handgun containing 4 unspent cartridges of ammunition (14 cartridges short of full capacity)
- Two spare magazines containing seventeen cartridges each (full capacity)

Agents documented that Officer #2 was wearing their Rapid City Police Department issued uniform. Officer #2's duty firearm was documented and inventoried as follows:

- Glock 9mm handgun containing 13 unspent cartridges of ammunition (5 cartridges short of full capacity)
- Two spare magazines containing seventeen cartridges each (full capacity)

Investigators with the Meade County Sheriff's Office and the Pennington County Sheriff's Office assisted DCI Agents with conducting witness interviews. Agents learned that prior to law enforcement arrival, Moran pointed a pistol at several patrons of the casino. Moran fired the pistol in the direction of a subject in the parking lot. Moran fired the pistol in the air while walking through the parking lot.

Video camera footage obtained from several businesses in the area showed Moran pointing a pistol toward several people before firing it toward a subject in the parking lot.

Scene investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by the officers and video obtained from cameras.

DCI Agents observed a spent 9mm shell casing on the sidewalk near the northeast corner of Chances Casino. The shell casing location was consistent with the location where Moran fired the first shot at the witness in the parking lot.

DCI Agents observed two RCPD vehicles parked near Haines Avenue in the entrance to the parking lot of Chances Casino. The first RCPD vehicle was driven by Officer #1. Several bullet defects were observed on this vehicle consistent with rounds being fired by both Moran and Officer #1.

The second vehicle was driven by Officer #2 and was parked southeast of Officer #1's vehicle. DCI Agents observed several bullet defects in the windshield of this vehicle.

DCI Agents observed Moran laying near the front bumper of Officer #1's vehicle.

DCI Agents located 14 spent 9mm shell casings on scene, consistent with the location Officer #1 fired their duty weapon.

DCI Agents located the 9mm firearm Moran had in his possession during the incident. The firearm had an unspent round jammed in the ejection port. There was a loaded magazine with 3 9mm rounds. One spent shell casing, consistent with the ammunition located in Moran's firearm, was located near the front of Officer #1's vehicle.



A DCI agent holds the firearm Marvin Moran Jr. fired at a Rapid City Police Department officer. DCI photo.

DCI Agents located 5 spent 9mm shell casings inside of Officer #2's vehicle, consistent with Officer #2 shooting their firearm from inside their vehicle. There were 5 bullet defects located in Officer #2's windshield.

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

Interview with Officer #1

On August 1, 2022, DCI Agents interviewed Officer #1. Officer #1 had just finished another call and was meeting with Officer #2 in a parking lot. Officer #1 heard the call at Chances Casino that someone in the Chances Casino parking lot was waving a gun around and possibly shooting it. The suspect was reportedly wearing a tan hooded sweatshirt or jacket. Officer #1 and Officer #2 responded.

Upon arriving in the area, Officer #1 saw a person, who was later identified as Moran walking toward the southeast entrance of the casino parking lot between Chances and Harbor Freight. As Officer #1 approached, he could tell Moran was wearing a tan hoodie or jacket. Officer #1 began pulling into the parking lot. Officer #1 noticed Moran had a bottle of vodka in one hand and his other hand was inside the hoodie pocket.

As Officer #1 was pulling into the parking lot, Moran was walking out of the parking lot. Officer #1 pulled his car in front of Moran and turned on his flood lights. Moran pulled his hand out of his pocket and Officer #1 observed what they recognized to be a muzzle flash and heard a gunshot. Officer #1 felt something spray up in their face and recognized the glass in their windshield was broken.

Officer #1 immediately ran out of the car back toward their trunk. Officer #1 was momentarily disoriented due to glass in their eyes. Once Officer #1 regained vision, they started shooting toward Moran. Moran was advancing toward the driver's side of Officer #1's patrol vehicle. Officer #1 moved around toward the passenger side of the car. Officer #1 returned fire as they moved and ended up going all the way around the car. Officer #1 returned fire until Moran was not moving.

Officer #2 placed Moran in handcuffs. Officer #1 inspected Moran and determined he was deceased.

Officer #2 checked Officer #1 for injuries. Officer #1 did not initially know if they were injured during the incident. Officer #1 thought they had been shot due to the muzzle flash being pointed right at their body when Officer #1 first pulled up to Moran.

Officer #1 advised they shot at Moran because they thought Moran was trying to kill them. Officer #1 specified that Moran pointed his gun directly at Officer #1's position in their car.

Interview with Officer #2

On August 1, 2022, DCI Agents interviewed Officer #2. Officer #2 had just finished another call with Officer #1. They had met in a parking lot after that call. Officer #2 heard the high priority "Weapons Call" at Chances Casino. The casino was a few blocks to the north of their location. Both officers drove toward Chances Casino.

Officer #1 arrived first, and Officer #2 pulled in almost immediately behind them. As Officer #2 neared the entrance to the parking lot of Chances Casino, they observed the suspect, who was later identified as Moran. Moran was walking toward Haines Avenue from the casino parking lot. Officer #1 stopped near the entrance/exit of the parking lot on Haines Avenue and activated the flood lights from their patrol vehicle.

Officer #2 observed Moran produce a gun from somewhere on his person. Officer #2 saw and heard Moran fire a round at Officer #1's patrol vehicle. Officer #2 explained that it looked as if the bullet struck Officer #1's windshield.

Officer #2 believed Moran was attempting to kill Officer #1. Officer #2 stopped their patrol vehicle, unholstered their duty pistol, and began shooting at Moran from within the patrol vehicle. Officer #2 continued to shoot at Moran until the "threat stopped." Officer #2 believed this occurred when Moran fell to the ground.

Officer #2 observed a firearm near Moran's body and kicked it away. Officer #2 placed Moran in handcuffs and checked Officer #1 for any possible gunshots or injuries.

Officer #1 checked for a pulse on Moran and told Officer #2 that Moran was deceased.

Witness Interviews

DCI Agents interviewed a witness who stated that Moran had confronted them in the parking lot of Chances Casino. Moran was drinking vodka from a bottle. Moran produced a handgun and fired the weapon in the direction of the witness. The witness believed they had been shot due to debris hitting them in the face. Moran made threatening comments toward the witness during the incident.

A second witness reported that Moran had confronted them behind Chances Casino and displayed a gun. Moran pointed the pistol at the witness and threatened them before firing the gun in an unknown direction. The witness further reported seeing Moran shoot the pistol in the Chances Casino parking lot and shoot at the police when they arrived.

Law enforcement spoke with several other individuals present at Chances Casino at the time of the shooting incident. Several reported hearing shots but most denied witnessing any of the events involving Moran.

A DCI Agent and Pennington County Sheriff's Office (PCSO) Investigator interviewed a family member of Moran. The family member advised Moran had sent them a picture of a gun and ammunition on Facebook Messenger earlier in the month. Additionally, the family member reported Moran having chemical dependency issues and medical issues. According to the family member, Moran refused to get treatment for the medical issues.

Social Media Review

A Facebook account belonging to Moran was identified during this investigation. Information acquired from this account, subsequent to obtaining a Search Warrant, showed several photographs and Facebook Messenger conversations that were pertinent to the investigation. Several photographs were found of a black Taurus pistol. Moran sent photographs of the pistol to other individuals during Facebook Messenger conversations. The pistol appears to be same pistol used by Moran during the shooting incident.

Moran participated in messaging conversations in which he described himself as having cancer and refusing treatment. Moran talked about going on a killing spree when he got close to the end of his life. Moran participated in other conversations involving controlled substances, specifically methamphetamine.

Moran talked about suicidal thoughts and thinking about "going out by cop."

Moran talked about his urge to kill someone, that he was following people, and he wanted to watch the life leave their body.

Moran participated in a messaging conversation during which he told the person she would hear gunshots and he didn't have anything to lose. This message was sent at 8:15 PM MST time and the officer involved shooting occurred at approximately 10:40 PM MST the same day.

Moran participated in a messaging conversation during which he was mad about not seeing his family and he talked about sitting there wanting to kill someone. It should be noted, the message was sent at 8:32 PM MST the day of the shooting incident.

Video Evidence

Audio/video recordings from Officer #1 and Officer #2's body worn cameras partially captured the shooting. The in-car camera system was not recording during the shooting incident due to neither officer activating emergency lights during the response. The body worn video was reviewed and found to be consistent with the statements provided by both officers.

The video depicts Officer #1 and Officer #2 responding to Chances Casino and Moran confronting them upon arrival. The camera view from both officers' cameras is partially blocked by the steering wheel and dash while seated in their patrol vehicles.

Officer #1 rapidly exits the patrol vehicle and retreats to the rear. Moran is observed at the front driver side of the vehicle. Officer #1 begins firing toward Moran while moving around the vehicle. Moran falls to the ground during this exchange. As Officer #1 moves to the front of the vehicle, Moran is seen laying on the ground but continuing to move. Officer #1 shoots several more times until Moran lay motionless. Officer #1 secures a black semi-automatic pistol found next to Moran.

Officer #2's body worn camera was found to have an obstructed view of the shooting incident. Officer #2 is seen bringing their patrol vehicle to an abrupt halt, drawing their pistol while seated, and discharging several rounds through the front windshield.

Security cameras in the area captured Moran's activity prior to law enforcement's arrival. Moran is observed pointing the pistol at several people in the parking lot in a threatening manner. Moran can be seen firing the pistol at the feet of a subject in the parking lot. Moran fires the pistol in the air while walking through the parking lot toward Haines Avenue.

Officer #1 and Officer #2 can be seen approaching the casino parking lot from Haines Avenue. Moran is walking toward the exit as Officer #1 pulls into the approach. Moran appears to fire his pistol toward Officer #1's vehicle. The ensuing shooting incident is partially obscured by the brightness of Officer #1's flood lights.

Forensic Examination



The plastic cowl under the bumper of Officer #1's vehicle shows a defect where a bullet fragment was discovered. The fragment's location is consistent with Moran firing a bullet into the ground in front of Officer #1's vehicle and the bullet ricocheting off the pavement and into the bumper cowl. DCI photo.

The South Dakota Forensic Laboratory (SDFL) conducted firearm testing on evidence recovered at the scene. A cartridge casing located in front of Officer #1's vehicle was found to

be fired from Moran's pistol. A recovered bullet fragment lodged into the bumper of Officer #1's vehicle was also found to be fired from Moran's pistol.

Medical Reports and Criminal History

A drug screen and blood alcohol test were conducted on Officer #1 and Officer #2 with negative results.

An autopsy performed on Moran showed that he suffered approximately ten gunshot wounds. Moran's blood alcohol content was recorded as .293 and a drug screen showed the positive presence of methamphetamine in his system.

A criminal background check of Moran showed a history of criminal offenses to include aggravated assault, domestic violence, theft, fraud, escape and alcohol related offenses.

Investigation Results

Based on the totality of the circumstances, reasonable officers present at the scene utilized deadly force in a situation that was tense, uncertain, and building. Marvin Moran Jr. was a clear and present danger to the public and the officers present at the scene. Officer #1 and Officer #2 believed they were in a situation in which Moran was attempting to inflict serious injury or death and responded with deadly force.

It is the conclusion of this report and the Attorney General that the Officers were justified in firing their weapons and using lethal force.