

## **Lake Norden Police Department Shooting Summary Detailing Events That Took Place on December 7, 2016**

On 12/07/16, the South Dakota Division of Criminal Investigation (DCI) was called by the Watertown Police Department Dispatch Communications and notified of an officer-involved shooting that occurred at 411 Park Street in Lake Norden, South Dakota. The shooting resulted in the suspect, Tara Hartse, being shot one time. Hartse survived her injuries. The Lake Norden Chief of Police, Jimmy Murphy, was the officer involved in the shooting. The following is a synopsis of the events that occurred on 12/07/16 and the investigation that was conducted by the DCI.

### **Synopsis**

On 12/07/16 at about 1:09 AM, Watertown Police Dispatch Communications received a 9-1-1 call from a juvenile female who reported her parents fighting and thinks they are hurting each other. The 9-1-1 call was from the home of Tara Hartse at 411 Park Street in Lake Norden, South Dakota. This residence is occupied by Tara Hartse, her husband and three juvenile children.

Lake Norden Chief of Police Murphy was notified and responded from his residence as he was currently off duty. Chief Murphy arrived to the residence at about 1:14 AM. At about 1:24 AM, Chief Murphy advised dispatch communications that Tara Harste "has a knife and is refusing to listen to commands". Chief Murphy further requested another unit to assist.

A South Dakota Highway Patrol trooper responded to the residence and advised a female was in handcuffs at about 1:28 AM. Also responding to the residence were two Hamlin County Sheriff's Office deputies. During the investigation, law enforcement determined no crime was committed; therefore, no parties were arrested.

On 12/7/16 at about 5:37 AM, Tara's husband called 9-1-1 to report Tara was threatening to kill herself and that she had sent pictures to him, while he was at work, of cut marks on her arms showing some bleeding. He did not report any weapons as of 5:39 AM. Chief Murphy was dispatched to 411 Park Street in Lake Norden, SD. He remained on the phone with 9-1-1 dispatch throughout this incident. Chief Murphy was the first responding officer to the residence arriving at about 5:47 AM. Chief Murphy was met at the front door by Tara's husband who led Chief Murphy to the northwest bedroom where they encountered a locked/closed bathroom door.

Tara's husband was able to defeat the older style locking mechanism on the bathroom door and opened the door for Chief Murphy. Tara was sitting on the toilet with a knife in her right hand. Her husband eventually crawled over the bed and took up a position behind Chief Murphy. At about 5:49 AM, Chief Murphy updated dispatch communications stating Tara had a knife.

Chief Murphy can be heard in the background of the recorded 9-1-1 phone call stating, "Drop the knife. Drop the knife. Drop the knife." Shortly after Chief Murphy states this, Tara's husband can be heard saying, "Tara drop it" and "Don't please." Tara made a lunging motion towards Chief Murphy from the toilet with the knife in her right hand. At this time, Chief Murphy is within 3 to 4 feet of Tara in a confined area. After a shot is fired, her husband can be heard saying, "She dropped it."

At about 5:49 AM, Chief Murphy notified dispatch communications, "Shots fired." Tara was shot once in the upper front left shoulder area at a downward angle.

After the shot, Tara was located on the bathroom floor with the knife in very close proximity to her hand. Chief Murphy waited for EMS to arrive, utilized rubber gloves, and retrieved the knife as evidence. Aid was then rendered to Tara by EMS.

Tara was transported to the Prairie Lakes Healthcare Systems Hospital in Watertown, SD where she was treated for her wound. Chief Murphy did not sustain any visible injuries. The crime scene was secured by the Hamlin County Sheriff's Office until DCI arrived.

DCI Agents made contact with Chief Murphy at the Hamlin County Sheriff's Office. DCI Agents documented Chief Murphy was wearing a bulletproof vest clearly marked "POLICE", a stocking cap marked "POLICE", and blue jeans, as he had been called in to work from an off duty capacity. Chief Murphy's body worn camera was not worn at the time of the shooting as it was forgotten in his vehicle. Chief Murphy's blood, urine, weapon, uniform, magazine and remaining duty ammo were collected. Chief Murphy's duty weapon and magazines were secured, documented and inventoried. The inventory showed the following:

- One Smith & Wesson 9mm caliber pistol with 16 live rounds in the magazine and one live round taken from the chamber of the pistol.
- Chief Murphy's three additional 9mm pistol magazines each contained 17 rounds of ammunition.

### **Review of Chief Murphy's Body Worn Camera, In-car Video, 9-1-1 calls, and Dispatch Logs.**

DCI reviewed Chief Murphy's body camera and determined that it was neither activated nor worn. Chief Murphy's in-car video system was activated; however, no external audio is available. The video shows Chief Murphy exiting his patrol vehicle in police gear and running to the residence. Chief Murphy is not observed until later in the video after the ambulance and other law enforcement arrived and was observed placing crime scene tape around the residence.

According to the recorded 9-1-1 call, Tara's husband remained on the phone with 9-1-1 dispatch communications during the shooting incident. In the background, Chief Murphy can be heard saying, "Drop the knife. Drop the knife. Drop the knife." Shortly after Chief Murphy states this, the husband can be heard saying, "Tara drop it" and "Don't please." After a shot is fired, he can be heard saying, "She dropped it."

Dispatch Logs show Chief Murphy was dispatched to 411 Park Street in Lake Norden for the report of a female trying to kill herself. Chief Murphy arrived at about 5:47 AM and notified dispatch communications that Tara had a knife. Chief Murphy notified dispatch communications when he fired a shot and requested EMS. Dispatch Logs are consistent with events heard on the 9-1-1 call and witness statements.

### **Shooting Scene Investigation and Interviews**

Based on DCI interviews with Chief Murphy, Tara Hartse, her husband, and the scene investigation, the following information was gathered during this investigation:

On 12/7/16, DCI interviewed Chief Murphy. Chief Murphy was dispatched at 5:37 AM to 411 Park Street in Lake Norden, SD for a report of a female threatening to kill herself. Chief Murphy learned that Tara's husband was the 9-1-1 caller and reported his wife, Tara, was in the bathroom threatening to cut herself with a knife. Chief Murphy reported forgetting his body worn camera in his vehicle at this time.

Chief Murphy was met at the front door by Tara's husband who advised Tara was in the bathroom with a knife. Chief Murphy went to the northwest bedroom bathroom where he found the door locked.

Chief Murphy reported identifying himself as a law enforcement officer and told Tara to put down the knife. Tara began yelling profanities and telling Chief Murphy to leave. Her husband was able to defeat the older style locking mechanism on the bathroom door, which resulted in him opening the door for Chief Murphy. Tara's husband eventually crawled over obstructions in the area and took up a position behind Chief Murphy.

Upon the door opening, Chief Murphy observed Tara sitting on the toilet, immediately inside the doorway, holding a knife in her right hand. Tara was described as having her pants around her ankles and her underwear around her knees area.

Chief Murphy gave loud verbal commands to Tara to "drop the knife" several times. Tara refused to follow repeated commands and further yelled profanities to Chief Murphy. At this time, Chief Murphy was in close proximity to Tara in a confined space.

Chief Murphy explained that in one motion Tara reached to pull up her pants and lunged toward him with the knife still in hand. Chief Murphy, fearing for his life, fired one round from his duty 9mm pistol striking Tara in the front left shoulder area stopping her advancement. This fired round was later recovered by DCI after perforating a nearby wall. Chief Murphy recovered the knife from Tara and medical aid was rendered by responding emergency medical personnel.

Tara was interviewed by DCI while at the Prairie Lakes Healthcare Systems Hospital in Watertown, SD on 12/7/16. Cut marks to her wrist were observed by DCI. Tara and her husband had been fighting in what was continuance from their first argument when law enforcement was called to their residence earlier that same morning.

Tara said she remembered having a knife with her after Chief Murphy and her husband had talked about Tara trying to hurt herself. Tara was sitting on the toilet and said the knife was placed on her thigh but thought when the bathroom door was opened; the knife was knocked off her thigh. It should be noted the bathroom door opens out and not into the bathroom. Tara remembered telling Chief Murphy to get out of there. Tara stated she was going to shut the door and was shot.

Tara stated Chief Murphy believed she was going to hurt him. Tara explained she sometimes does things without thinking. Later in the interview, Tara could not remember if the knife was in her hand when she went to shut the bathroom door. Tara did not remember making any movements with the knife.

Tara's husband was interviewed by DCI on 12/7/16. He reported an ongoing argument with his wife, Tara, that carried over into this incident. He reported getting messages from Tara stating

she was going to end her life. He came home from work to find Tara making “suicidal comments” resulting in him calling 9-1-1.

He reported not being able to see what was happening due to his position in the bedroom. He did remember Tara having the knife on her leg when the bathroom door was opened and remembers Chief Murphy telling Tara to put down the knife. He said Chief Murphy was loud in his commands for Tara to put down the knife.

He continued to say Chief Murphy had his weapon drawn after seeing the knife and was standing in a confined space. He said the only walkway was a small walkway leading out of the bedroom, which was blocked by him. He estimated Chief Murphy being approximately three feet away from Tara.

He said Tara was not yelling any threats at Chief Murphy at this time and that he could not see Tara but only the threshold of the door. He reported not seeing Tara cross the threshold of the door. He remembers that Tara was telling Chief Murphy to leave and swearing.

He reported Tara throwing the knife on the floor after she was shot. He remembered Chief Murphy telling Tara, “If you drop the knife, I will render aid.” Aid was later rendered by responding emergency medical personnel.

### **South Dakota Forensic Laboratory Testing**

The South Dakota Forensic Laboratory examined the spent casing and fired round found at the shooting scene. It was determined the casing and fired round was fired by Chief Murphy’s duty weapon. The blue shirt, believed to be worn by Tara Hartse at the time of the shooting, was also examined. It could not be determined the distance from the muzzle of the weapon to shirt.

### **Medical Reports and Criminal History**

- One (1) fired round entered Tara Hartse’s front left shoulder area and exited. That round was later recovered by DCI Agents at the scene.
- A blood and urine sample was taken from Chief Murphy after the shooting. Tests of these samples were negative for both drugs and alcohol.
- Tara Hartse’s blood testing showed .167% blood alcohol content. Urine sample testing showed negative results.
- A criminal history check of Tara Hartse shows DUI and domestic violence related arrests.

### **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. Tara Hartse had the means and opportunity to use deadly force and was a clear and present danger to Chief Murphy at the time.

It is the conclusion of this report and the Attorney General that Chief Murphy was justified in firing his weapon and using lethal force.

Based on the investigation conducted by the DCI, the crime scene reconstruction, evidence collected at the scene, witness statements, and statements made by Chief Murphy, all were found to be consistent with the described events that occurred on 12/7/16.

SD Division of Criminal Investigation



Drawn By	Location		
SA Jeff Kollars	411 Park Street Lake Norden, SD		
Investigated By	Date		
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**Legend**

- 1 9mm spent casing
- 2 Swab collected of blood
- 3 Blue shirt with blood
- JM Officer Jimmy Murphy
- TH Tara Hartse
- H Husband



