

## **Pennington County Sheriff's Office Shooting Summary Detailing Events That Took Place on May 14th, 2021**

On 05-14-21, the Pennington County Sheriff's Office (PCSO) requested the South Dakota Division of Criminal Investigation (DCI) investigate an officer-involved shooting that occurred at 23208 Radar Hill Road, Rapid City, SD. The suspect, Ty Stilwell, was shot 4 times by Pennington County Deputies. As a result of the shooting, Stilwell died from his injuries. The following is a synopsis of the events that occurred on 05-14-21, and the investigation that was conducted by the DCI.

### **Synopsis**

On 05-14-21 at approximately 2:59 PM, the Emergency Services Communications Center in Rapid City received a 911 call regarding a report of a domestic disturbance involving an intoxicated and out of control suspect identified as Ty Stilwell (hereinafter referred to as Stilwell) at a residence. The reporting party was a family member who requested a deputy be sent to the location. The reporting party advised Stilwell is a big person and they did not want to fight with him. The reporting party stated Stilwell needed to go to detox. The reporting party advised the responding officers did not need to respond with lights and sirens.

At approximately 3:17 PM, three Pennington County Deputies and one Pennington County Reserve Deputy arrived at the reporting party's location. The reporting party advised Stilwell was drunk and getting out of hand and needed to go to detox. The reporting party advised Stilwell had returned to his residence down the road. The reporting party said they did not believe Stilwell had any firearms and asked if law enforcement could do a welfare check on Stilwell. The reporting party confirmed they did not want Stilwell to return to their location again on 05-14-21. The deputies advised they would attempt to make contact with Stilwell at his residence at the request of the reporting party.

At approximately 3:23 PM, the deputies traveled to 23208 Radar Hill Road and began to drive down the gravel driveway. The deputies observed an individual, later identified as Stilwell, walking toward them from the residence. The deputies exited their patrol cars and one of the deputies identified Stilwell had a gun in his hand and subsequently announced "gun".

The deputies pulled their duty firearms and instructed Stilwell to put the gun down repeatedly. Stilwell walked toward the deputies with the gun in his left hand pointed straight up in the air. As Stilwell continued to walk toward the deputies, he had the gun in different positions and with both hands. Stilwell shouldered the gun on two occasions and pointed it in the direction of the original reporting party who had walked to Stilwell's residence. The deputies directed Stilwell to not point the gun at the reporting party. The reporting party yelled for Stilwell to put the gun down.

Stilwell yelled profanity in a threatening manner toward the reporting party, shouldered the gun, and pointed it in the direction of the reporting party who was approaching the location.

The deputies fired a total of 10 rounds in the direction of Stilwell, striking him 4 times. One round struck Stilwell in the right chest, one round struck in the right upper chest and another round struck in the right shoulder and exited. An additional round struck Stilwell in the upper shoulder area and Stilwell fell to the ground and dropped the gun.

One of the deputies immediately radioed “shots fired” and to send an ambulance. Two of the deputies immediately approached Stilwell and began rendering aid. Stilwell said he was “sorry” and was “just drunk”. The deputies continued to render aid until additional law enforcement officers and paramedics arrived on scene.

DCI Agents and a Meade County Sheriff’s Office Investigator made contact with all deputies on scene. The agents and investigator documented that the deputies were wearing their Pennington County Sheriff’s Office issued uniforms.

Deputy #1’s duty firearm and magazines were secured and inventoried. The inventory was documented as follows:

- One Glock 9 mm handgun containing one round in the chamber.
- One magazine containing 13 unspent rounds.

Deputy #2’s duty firearm and magazines and duty rifle (which was left in a patrol vehicle at the scene) were secured and inventoried. The inventory was documented as follows:

- One Glock 9 mm handgun containing one round in the chamber.
- One magazine containing 17 unspent rounds.
- One Rock River .223 rifle.
- One rifle magazine containing 26 unspent rounds together with 1 loose unspent round.

Deputy #3’s duty firearm and magazines were secured and inventoried. The inventory was documented as follows:

- One Glock 9 mm handgun containing one round in the chamber.
- One magazine containing 13 unspent rounds.

The Reserve Deputy’s duty firearm and magazines were secured and inventoried. The inventory was documented as follows:

- One Glock 9 mm handgun containing one round in the chamber.
- One magazine containing 16 unspent rounds.

## **Interview of Pennington County Sheriff’s Deputies and Reserve Deputy**

### **Deputy #1**

On 05-20-2021, a DCI Agent and a Meade County investigator interviewed Deputy #1

Deputy #1 said they arrived on scene and were met by Deputy #2 and the Reserve Deputy. Deputy #1 said the reporting party told deputies Stilwell was drunk, needed to go to “detox” and requested a welfare check be conducted on Stilwell. Deputy #1 said the reporting party said they did not want Stilwell returning to their property.

Deputy #1 said they left the reporting party’s residence and traveled to 23208 Radar Hill Road and parked a short distance in the driveway. Deputy #1 said they exited their patrol vehicle and began walking toward the residence. Deputy #1 said they observed Stilwell, walking down the driveway holding a long gun. Deputy #1 yelled “gun” and drew his duty firearm.

Deputy #1 said they gave Stilwell loud verbal commands telling Stilwell to “stop”, and to “drop the gun”. Deputy #1 said they were unable to understand what Stilwell was yelling as he continued to walk toward the deputies’ location.

Deputy #1 said they heard the reporting party approaching their location and yelling at Stilwell to try to calm him down. Deputy #1 said Stilwell pointed the gun in the direction of the reporting party on two occasions, yelled profanity in a threatening manner and raised the gun quickly a third time, aiming at the reporting party. Deputy #1 said they fired their duty firearm 3 or 4 times at this time. Deputy #1 said they heard multiple shots before Stilwell and the gun fell to the ground.

Deputy #1 said they approached Stilwell, removed the gun from Stilwell’s vicinity, requested medical assistance and began to render aid.

Deputy #1 said they were afraid Stilwell was going to shoot the reporting party and was getting too close to law enforcement and might shoot them.

## **Deputy #2**

On 05-18-21, a DCI Agent interviewed Deputy #2.

Deputy #2 said on 05-14-21, they responded as back up on the call and they listened to the reporting party say Stilwell was intoxicated which caused the reporting party to report the disturbance.

Deputy #2 said they left the residence of the reporting party and traveled to 23208 Radar Hill Road. As they got close to the address, they observed two deputies out of their patrol vehicle with their guns drawn. As they pulled into the driveway, they could see Stilwell holding a long rifle or shotgun up in the air.

Deputy #2 said they could hear a Deputy giving verbal commands to Stilwell. Deputy #2 said Stilwell continued to advance toward them down the driveway and the Deputy continued to give Stilwell commands to drop the gun.

Deputy #2 said they observed Stilwell bring the gun up to take aim. Deputy #2 said they heard two shots and observed Stilwell still standing and holding the gun. Deputy #2 said they fired their duty rifle one time.

Deputy #2 said they radioed shots fired and they and the other Deputy approached Stilwell.

Deputy #2 said as they approached Stilwell, they began to render aid to Stilwell until other law enforcement arrived on scene.

## **Deputy #3**

On 05-18-21, DCI Agents interviewed Deputy #3.

Deputy #3 said they arrived at the residence and parked away from the house. Deputy #3 said they could observe something in Stilwell’s hand as he walked toward their location. Deputy #3 said they could hear Stilwell yelling but was not sure what he was saying.

Deputy #3 said they and another Deputy attempted to talk to Stilwell. Deputy #3 said Stilwell pointed the item he was carrying skyward and they immediately recognized it as a rifle. Deputy #3 said the other Deputy was yelling for Stilwell to stop and drop the gun.

Deputy #3 said Stilwell ignored the commands and continued to walk toward them. Deputy #3 recalled Stilwell yelling "this is your fault," shouldering the gun and pointing it.

Deputy #3 said Stilwell shouldered the gun and pointed it. Deputy #3 said that was when they decided to fire their firearm. Deputy #3 said they believed the reporting party was in immediate danger. Deputy #3 said they thought they fired two times.

Deputy #3 said they saw Stilwell fall to the ground.

### **Reserve Deputy**

On 05-18-21, a DCI Agent and a Meade County Investigator interviewed the Reserve Deputy.

The Reserve Deputy said they were first to arrive at the residence of the reporting party. The Reserve Deputy said the reporting party asked the Deputies to check on Stilwell's welfare.

The Reserve Deputy said as they turned onto Radar Hill Road, they could see Deputy #1 and Deputy #3 outside of their patrol car "locked out" with their duty pistols drawn. The Reserve Deputy said they observed Stilwell with a rifle.

The Reserve Deputy said Stilwell approached the Deputies and waved the rifle up and down in his left hand. The Reserve Deputy said Deputy #1 yelled at Stilwell to drop the gun and the tone in his voice changed, pleading with Stilwell to drop the gun. The Reserve Deputy said Stilwell did not comply and continued to walk closer to the Deputies.

The Reserve Deputy said the reporting party was yelling at Stilwell to put the gun down. The Reserve Deputy said as the reporting party came closer, Stilwell cocked the rifle, began to raise it, and pointed it in the Deputies' direction and the direction of the reporting party. The Reserve Deputy said they believed Stilwell was going to shoot them or the reporting party. The Reserve Deputy said at this time they shot their firearm one time.

The Reserve Deputy said Deputy #1 and Deputy #2 conducted CPR on Stilwell until EMS transported Stilwell from the scene.

### **Witness Interviews**

#### **Reporting Party**

The reporting party said they had spoken with Stilwell at 9:27 AM. The reporting party said Stilwell said he started drinking at 6:00 AM. The reporting party said Stilwell came over to their residence to help clean and set up for a birthday party taking place later in the day. The reporting party said Stilwell told them not to worry, that he was going to go to bed and would be back around 2 to 3 PM.

The reporting party said they later drove by Stilwell's house and saw a female and Stilwell arguing outside.

The reporting party said a little later, Stilwell and the female came to their residence and were still arguing. The reporting party said they were afraid things were going to become physical and decided to call law enforcement. The reporting party said they told Stilwell they called law enforcement and Stilwell started walking home.

The reporting party said when the Deputies arrived at the residence, Stilwell was already back at his residence. The reporting party talked with the Deputies and requested a welfare check on Stilwell.

The reporting party said when the Deputies arrived at Stilwell's residence, they observed Stilwell holding something above his head. The reporting party said they started running toward Stilwell's residence and realized Stilwell was holding a gun. The reporting party said Stilwell was holding an old muzzle loader rifle. The reporting party said they yelled at Stilwell to put the gun down. The reporting party said Stilwell was walking toward the deputies and the gun was pointing south toward the reporting party or just past him. The reporting party said when Stilwell saw him coming, he put the gun down and the Deputies shot him. The reporting party said after Stilwell was shot, the Deputies stood around for a few minutes while he yelled at them to help Stilwell.

#### **Witness #1**

Witness #1 said she spent the night at Stilwell's residence the night before and she woke up around 11:00 AM. She said when she woke up, she noticed Stilwell had already been drinking and believed Stilwell was intoxicated. She said she got into a verbal fight with Stilwell and he ended up ripping her shirt in two places.

Witness #1 said she was concerned for her safety and pepper sprayed Stilwell, which Stilwell blocked with his hand. She stated she also tased Stilwell, which only made him more agitated. She attempted to leave the residence in her car when Stilwell reached into the car, grabbed her and attempted to "choke her out". She stated she accelerated the vehicle and dragged Stilwell a short distance. She said Stilwell reached into the vehicle and grabbed a buck knife. Stilwell threw the knife back in the vehicle and began to apologize. She said she was scared Stilwell would hurt her but did not think he was going to kill her.

She said Stilwell touched his face, started feeling the effects of the pepper spray, and needed milk to ease the effects of the pepper spray. She said Stilwell did not have any milk at his residence, so they traveled to the residence of the reporting party. She said Stilwell became verbally confrontational with individuals at the reporting party's residence. She explained Stilwell was yelling at the reporting party and attempted to swing at the reporting party and ended up pushing them.

She said she went back to Stilwell's residence to look for her phone but was unable to locate it. She said she returned to the reporting party's residence and observed Stilwell standing in the middle of the road. She said Stilwell said he wanted to go home and go to bed. She said she drove Stilwell back to his residence and they were sitting in the car when they observed law enforcement arrive at the reporting party's residence. She said law enforcement wasn't at the reporting party's residence for very long and observed law enforcement come to Stilwell's residence.

She said Stilwell exited her vehicle and said, "It's going to be suicide by cop." She said Stilwell went into his residence and came out with a rifle in one hand. She said law enforcement was instructing Stilwell to drop the gun and not come any closer. She said Stilwell was yelling at law

enforcement but couldn't remember what. She said she did remember Stilwell asking law enforcement "why they were scared".

She said while Stilwell was approaching law enforcement, Stilwell pointed the rifle in the direction of the reporting party. She said that was when law enforcement shot Stilwell. She said law enforcement rushed to Stilwell and rendered medical aid. She said she believed law enforcement was providing first aid to Stilwell as law enforcement called for an ambulance.

#### **Witness #2**

Witness #2 said he saw a male subject, known to be Stilwell, carrying a weapon which he believed might be a pump action shotgun. The witness said he could hear talking but could not understand what was being said. He said he saw Stilwell approaching the Deputies from 30 or 40 yards away.

Witness #2 said he observed a female appear a minute or two after the shots were fired. He said he saw two people performing CPR on Stilwell approximately 10 minutes after the incident.

#### **Witness #3**

Witness #3 said he observed Stilwell walking down the driveway with a gun in his hand.

He said he observed a sheriff's office SUV pull into the driveway and two Deputies exit. He said he could hear the Deputies yelling at Stilwell to put the gun down and stop. Stilwell continued walking down the driveway toward the deputies waving the gun around. He said two additional Deputies arrived and exited their vehicle with rifles.

The witness said Stilwell put the gun over his head and then put the gun up to his shoulder, pointing it toward the south. He said when Stilwell was pointing the gun to the south, the Deputies were located to the west of Stilwell. He said he saw Stilwell point the gun at himself, putting it under his chin.

The witness said Stilwell swung his gun toward the Deputies and they shot Stilwell, who subsequently fell to the ground. He described hearing between 2 and 8 shots fired.

#### **Witness #4**

Witness #4 said she was cleaning their residence for a birthday party that was scheduled to take place later that day. She said Stilwell and a female came to their residence to help clean and were arguing. She said she could tell Stilwell had been drinking when he arrived.

She said Stilwell started getting loud with the reporting party, who said they were going to call the police. She said after law enforcement was called, Stilwell began walking home.

#### **Video Evidence**

Video/audio recordings from the PCSO Deputy body-worn cameras captured the incident.

The video depicted the PCSO Deputies arriving at the reporting party's residence and meeting with the reporting party. The reporting party was physically upset and told Deputies that Stilwell was drunk, needed to "dry out," and go to "detox." The reporting party asked the Deputies to conduct a welfare check on Stilwell, to which they agreed to do. The reporting party did not want Stilwell returning to his residence that evening, as he was concerned Stilwell would cause issues.

The Deputies departed the reporting party's residence and traveled to 23208 Radar Hill Road. The Deputies exited their vehicle and observed Stilwell walking down the driveway with a gun. One Deputy yelled "gun" and both Deputies drew their handguns. Another Deputy and Reserve Deputy arrived shortly after. One Deputy retrieved the duty rifle from the patrol vehicle and went into a prone position; therefore, the body camera video was obscured.

Deputies gave loud verbal commands to Stilwell, instructing him to drop the gun and put the gun down approximately 16 times. Deputy #1's voice became softer over time, telling Stilwell their name and that they just wanted to talk. Stilwell was yelling at the deputies, but it was unintelligible. The reporting party could be heard yelling to Stilwell to drop the gun.

Stilwell continued to advance toward the Deputies, carrying the gun above his head and eventually brought the gun down to a low ready position. On two occasions, Stilwell pointed the gun in the direction of the reporting party. Stilwell yelled profanity in a threatening manner, brought the gun up to his cheek, and took aim in the direction of the reporting party.

Deputies fired upon Stilwell striking him. Stilwell fell to the ground and deputies ran toward Stilwell and Deputy #2 rendered medical aid

### **Shooting Scene Investigation**

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by the deputies, witnesses present at the time of the shooting and video from the deputies' body-worn cameras. Specifically, there were nine spent 9mm shell casings and one .223 shell casing found on scene consistent with the area where the deputies fired their handguns and duty rifle.

The brown US Springfield muzzleloader style rifle that Stilwell had in his possession had been secured in the backseat of a patrol car. The rifle's hammer was cocked in the fire position.

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

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

The South Dakota Forensic Laboratory (SDFL) conducted testing on the four Pennington County Deputy duty handguns, two duty rifles and casings located at the scene. They concluded that the nine 9mm shell casings and one .223 shell casing found on scene matched the Deputies' and Reserve Deputy's duty handguns and duty rifle.

The SDFL conducted testing on the two bullets recovered during the autopsy of Stilwell and confirmed the bullets were fired through a duty handgun and duty rifle utilized by the Deputies.

The SDFL conducted testing on the .58 caliber US Springfield Model 1863 black powder rifle with which Stilwell was armed. They concluded the Springfield rifle was not functional and not capable of firing.

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

A drug screen and blood alcohol test were conducted on the Pennington County Deputies with negative results.

Medical records obtained from Clinical Laboratory of the Black Hills, indicated Stilwell had been shot four times. The first round struck Stilwell in the right nipple area of the right chest (recovered during autopsy), the second round struck Stilwell in the right upper chest (recovered during autopsy), the third round struck Stilwell in the right shoulder then exited and the fourth round struck Stilwell in the collar area and passed through.

A drug screen and blood alcohol test were conducted on Stilwell. The drug screening results were negative and his blood alcohol content (BAC) was .203.

### **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. Stilwell was approaching law enforcement, possessed a US Springfield rifle, failed to obey verbal commands, and pointed the rifle in the direction of a civilian near the scene. Stilwell demonstrated the ability to cause serious bodily injury or death and was an immediate threat and a clear and present danger to the civilian and law enforcement officers present at the scene. The PCSO Deputies observed what the Deputies knew was a deadly weapon pointed in the civilian's direction.

It is the conclusion of this report and the Minnehaha County State's Attorney that the PCSO Deputies and PCSO Reserve Deputy were justified in firing their weapons and using lethal force.

The DCI crime scene investigation and review of the videos are consistent with statements received from the PCSO Deputies, PCSO Reserve Deputy and other witnesses.



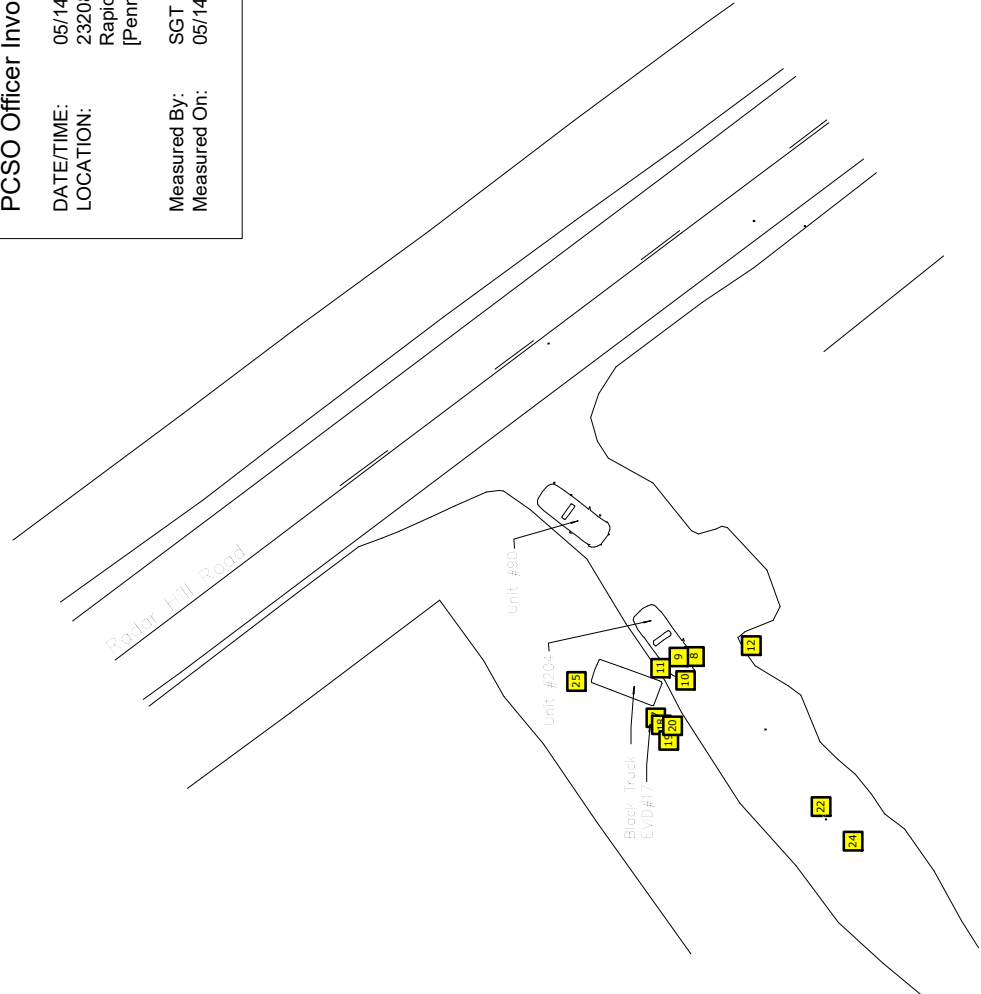
### PCSO Officer Involved Shooting

DATE/TIME: 05/14/2021 at 1525-hrs  
LOCATION: 23208 Radar Hill Road  
Rapid City, SD 57703  
[Pennington County]

Measured By: SGT Kevin R. Kinney, HP039  
Measured On: 05/14/2021



SCALE



Evidence Legend	
8	9mm Casing
9	9mm Casing
10	9mm Casing
11	9mm Casing
12	.223 Casing
17	9mm Casing
18	9mm Casing
19	9mm Casing
20	9mm Casing
22	Black Shirt
24	Swab of RBS
25	9mm Casing