

## **McCook County Sheriff's Office Shooting Summary Report of the Officer Involved Shooting that occurred on July 19, 2015**

On July 20, 2015 the South Dakota Division of Criminal Investigation (DCI) conducted an investigation regarding an Officer Involved Shooting that resulted in the shooting of Cornelius Edward Milk (DOB 01/06/1977) in front of the Brewery Bar located at 233 Main Street Salem, South Dakota. This occurred after a person at the bar notified law enforcement of Milk waving a firearm around the bar and threatening to shoot holes in the bar. The following is a synopsis of the events that occurred on July 19, 2015 and the subsequent investigation conducted by the DCI.

### **Synopsis:**

On July 19, 2015, at approximately 10:50 p.m., McCook County Deputy Randy Schwader responded to a call to service involving a man with a gun (later identified as Cornelius Milk) in the Brewery Bar.

Deputy Schwader parked his patrol car just west of the intersection of Vermont Street and Main Street and began to walk towards the Brewery Bar, which was a half block south of that intersection. The individual who had been at the bar met Deputy Schwader near his patrol car and together walked towards the Brewery Bar. Deputy Schwader was within a few yards of the bar, when he observed Milk walk out the front door with a gun pointed in the air and firing one to two rounds. A female witness was observed walking out of the bar behind Milk yelling at him. Deputy Schwader began to run towards the front of the bar and drawing his service weapon. Deputy Schwader gave verbal commands telling Milk to drop the gun and lay down on the ground. Milk looked at Deputy Schwader and ducked out of sight behind a Silver Ford Mustang that was parked in front of the bar. Deputy Schwader approached the front of the vehicle to determine if Milk had obeyed his commands to lie on the ground. Milk had not and had moved into the driver's seat of the vehicle and started the engine. Deputy Schwader was now located directly in front of the vehicle and witnessed Milk revving the engine loudly and watched the car lurching ahead slightly. Deputy Schwader believed at this time that Milk was going to run over him and drive the car through the bar, so he fired 3 rounds from his a Glock .40 caliber hand gun into the hood in an attempt to disable the car. Milk then put the car in reverse and drove back into the middle of the street and stopped. Milk looked directly at Deputy Schwader. Deputy Schwader believed Milk was going to surrender at this time. Deputy Schwader continued to give verbal commands to stop and get out of the car. Deputy Schwader watched Milk take his right hand off of the steering wheel and reach down. Milk began to bring his arm back up in the direction of Deputy Schwader. Deputy Schwader could only see Milk's shoulder and forearm and believed that Milk had a gun. Deputy Schwader then shot at Milk. Milk began to drive towards Deputy Schwader and as he stepped out of the way of Milk's car, he continued to shoot at the car as it passed him. The car continued several feet hitting the sidewalk on the west side of the street and then striking the front of the Transamerica building before stopping. Deputy Schwader fired his Glock .40 caliber handgun a total of 12



times. Milk was struck seven times in his arms and in his torso. Deputy Schwader then administered medical attention to Milk as he awaited EMT service.

Deputy Schwader was contacted by DCI Agents at the scene. Agents documented that Deputy Schwader was wearing his issued McCook County Sheriff's Office uniform. His duty weapons and magazines were secured, documented and inventoried. The inventory showed the following:

- A Glock model 22, .40 Caliber with a tactical light that was functioning, one round in the chamber and a magazine with 15 rounds.

- One 15 round Glock magazine in a magazine pouch on Deputy Schwader's duty belt with 15 rounds in it.

- a Glock 15 round magazine was collected at the scene belonging to Deputy Schwader that contained 2 live rounds.

- Glock model 27, .40 Caliber backup gun in an ankle holster, with one round in the chamber and a nine round magazine with nine rounds in it.

### **Shooting Scene Investigation and Interview**

Witnesses saw Milk earlier that evening with a gun in the bar. While in the bar, Milk appeared very intoxicated and was witnessed drinking shots of alcohol. At one point, a witness watched Milk exit the front of the bar and shoot the gun in the air. This same witness said that shortly after the shot was fired she observed a Sheriff's vehicle driving on Main Street. As the Sheriff's vehicle passed Milk, she observed Milk pointing his handgun at the Sheriff's vehicle. As the Deputy arrived, two additional witnesses who were standing outside of the Brewery Bar witnessed Milk shooting his gun in the air. One witness reported seeing Milk pull up a firearm and firing it towards the Deputy. They heard Deputy Schwader yelling commands at Milk, but Milk did not comply. They then witnessed Milk getting into his car and back up and then stop in the middle of Main Street. At that point, they saw Deputy Schwader shoot at Milk.

Deputy Schwader was interviewed on July 20, 2015. Deputy Schwader stated that Milk began to rev the engine excessively. The car began to lurch forward and Deputy Schwader feared he was going to be run over. Schwader fired rounds at the engine to shut the car off. Schwader stated that he continued yelling commands to the driver of the vehicle. Deputy Schwader moved from the sidewalk into the street to avoid being in front of the vehicle as the car began to back out. Once the car stopped Deputy Schwader began approaching the car at an angle to again avoid being in front of the car. Deputy Schwader felt the subject was going to surrender. Deputy Schwader observed the male subject lower his right hand from the steering wheel. He saw the male's right arm go down and it started coming back to the steering wheel, but was instead coming back towards Schwader. He believed the subject had a gun and was going to shoot him. Deputy Schwader shot at the subject in the vehicle.



A crime scene investigation was conducted by the DCI. Based on the DCI's investigation, including an interview with Deputy Schwader and the shooting scene investigation, approximate positioning of Deputy Schwader and Milk was established.

Distance between Deputy Schwader's position and Milk's vehicle have been estimated. Milk's vehicle was moving in different directions throughout the incident. The first shots fired by Deputy Schwader into the hood of Milk's vehicle are estimated to be at the distance of one to two feet. When Milk backed his vehicle into the middle of the street, Milk then drove his vehicle past Deputy Schwader within a couple of feet of Deputy Schwader and into the Transamerica building. Twelve fired .40 caliber casings were located near where Deputy Schwader was standing when he fired his duty weapon.

Five fired 9 mm casings were located approximately where Milk was seen shooting the handgun near the Brewery Bar on the sidewalk.

The South Dakota Forensic Lab (SDFL) conducted testing on Deputy Schwader's firearm. They concluded that all 12 shell casings found at the scene matched Deputy Schwader's primary handgun which was a Glock model 22. The SDFL also tested the gun found in Milk's car following the shooting and the 9 mm casings matched the gun Milk had in his possession.

A forensic examination of Milk's Ford Mustang showed eleven bullet holes in various areas of the car, including 3 bullet holes in the hood, 5 bullet holes in the windshield, a bullet hole in the roof pillar, a bullet hole in the rear trunk brake light and a bullet hole in the rear spoiler.

During the search of Milk's car, a Glock 9 mm handgun was located on the passenger side front floor board. It has been verified as a stolen gun from a vehicle in Sioux Falls.

A drug screen and blood alcohol test was conducted on Deputy Schwader with negative results.

A drug screen and blood alcohol test was conducted on Cornelius Milk with positive results. Milk's BAC was tested to be .244. Milk also tested positive for TCH in his system. Additional substances found in the drug screen are undergoing further lab testing.

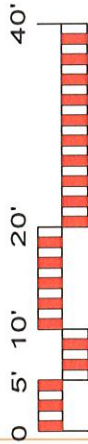
A criminal history check on Milk showed that he has been charged in the past with aggravated assault, burglary, simple assault, vandalism, reckless driving possession of marijuana, fraud, driving while intoxicated, disorderly conduct, theft, domestic violence, intentional property damage and reckless burning.

During interviews with people who knew Milk, they said that Milk was bi-polar and had talked of suicide and "suicide by cop". They also spoke about his drastic behavioral changes that occurred when he drank alcohol.

## **Investigation Results**

It is the conclusion of this report and the Attorney General that Deputy Schwader was justified in firing his weapon and using lethal force. The crime scene investigation conducted by the DCI is consistent with statements made by Deputy Schwader and witness statements and evidence collected at the scene.

SCALE



Officer Involved Shooting in  
Salem South Dakota on  
07-20-15  
Mapped by Trooper Matthew  
Petersen  
Map enhanced by Matthew  
Petersen  
3-D Scanner  
Scale drawing

