

## **Sioux Falls Police Department Shooting Summary October 14, 2013**

On 10-14-13, the SD Division of Criminal Investigation conducted an investigation into an officer involved shooting that involved the death of Jacob Daniel Westberg, a 22 year old male. The shooting occurred at Jacob's residence located at 6613 W. 15<sup>th</sup> Place, Sioux Falls, SD. Following is a synopsis of the events that occurred on 10-14-13 and the investigation that was conducted by the DCI.

### **Synopsis**

On 10-14-13 at approximately 5:03 PM, SFPD Dispatch or Metro received a 911 call from Jacob Westberg's mother. She advised Metro that her son, Jacob Daniel Westberg, was threatening suicide with a gun. Jacob was reported to be alone at his home in Sioux Falls. She obtained this information from Jacob's ex-girlfriend. The ex-girlfriend had been in contact with Jacob on 10/14/13 and relayed the information to his mother. Mom then informed Metro dispatch that Jacob had a weapon and the potential to become violent. Officers from the Sioux Falls Police Department were subsequently dispatched to Jacob's home at approximately 5:06 PM on 10-14-13.

The initial responding officers along with members of the Minnehaha County Sheriff's Office, who responded to assist began to arrive on scene at approximately 5:11 PM. Some of the responding patrol officers were also members of the SFPD SWAT team and the Minnehaha County Sheriff's Office SWAT team. This included SFPD Officer Andrew Siebenborn along with Minnehaha County SO Deputy Sergeant Preston Evans who is a member of the Crisis Negotiation Unit.

Jacob's mother had also received a text message on her cell phone from Jacob along with other family members. The complete text message was unclear but appeared to be some type of goodbye letter. Jacob was reported to be upset as his ex-girlfriend had no longer wanted to be in a relationship with him. She also took care of their young daughter. Jacob's mother further advised Metro dispatch of at least three weapons in the home that she was aware of. As more information became available, multiple officers continued to be dispatched to the scene along with deputies from the Minnehaha County SO.

At approximately 5:15 PM, Jacob's mother received information from the ex-girlfriend that Jacob had placed a gun in his mouth and also told Jacob's mother that he said goodbye to her. At this point he then disconnected their phone conversation. Officers began safety and evacuation measures.

At approximately 5:45 PM, officers on scene heard what sounded like a gunshot come from inside Jacob's home. At that time, Jacob opened the door to his trailer. A long gun was visible at his side. He then went back into the trailer and shut the door. Officers determined Jacob's demeanor was beginning to escalate after the display of a weapon and a fired round.

Jacob's brother came to the scene in an attempt to speak with Jacob to de-escalate the developing situation. For obvious safety reasons and the potential danger, officers did not allow him to approach Jacob's trailer. Officers continued attempts to make contact with Jacob by speaking to him when he came outside and by contacting him on his cell phone. Jacob's brother

provided officers with information that Jacob was in possession of multiple AR style rifles and other weapons.

At approximately 5:48 PM, the Sioux Falls PD SWAT team was called out. This included the deployment of an armored vehicle known as a Bear Cat.

At approximately 5:56 PM, Jacob opened the door to his trailer and stood in the doorway where negotiations were being conducted by Deputy Sergeant Evans. Present with Sgt. Evans was Officer Andrew Siebenborn and Officer Patrick Mertes. Jacob requested to speak with his brother when he came outside again and was cursing and yelling at officers. Sgt. Evans continued to negotiate with Jacob before he went back into his house. Sgt. Evans was heard asking Jacob to come outside without his weapon to talk with officers. The Minnehaha County Sheriff's Office SWAT Team was then called to the scene to assist.

Deputy Sgt. Evans first called Jacob on his cell phone at approximately 5:58PM. He noted that Jacob sounded intoxicated and very distraught. Jacob was requesting that Sgt. Evan's come into his trailer to talk. Sgt. Evans explained he could not do that. Throughout the conversation Jacob was told that he would be okay. Jacob voiced his concern about an outstanding misdemeanor warrant for his arrest. Sgt. Evan's was interrupted twice during his negotiations with Jacob when his ex-girlfriend called Jacob. Metro dispatch contacted her and requested her to stop calling.

At 6:06 PM Sgt. Evans called Jacob again and had a conversation with him. Jacob stated that he was afraid he was going to be hurt by officers. Jacob was assured that there was no reason to hurt him. Sgt. Evans was again disconnected. Several phone calls were made back to Jacob with no answer. There were a total of 20 phone calls, two of which contact with Jacob was made. Several conversations did occur while Jacob was visible standing inside of his trailer with the door open.

Jacob once again invited Sgt. Evans into his trailer. Jacob promised that no one would get hurt but the invitation was refused. Sgt. Evans told Jacob that he wanted a peaceful resolution.

At approximately 6:46 PM, Jacob came to the door wielding a long gun in his hand. Officers took cover behind trailer homes and vehicles in the event that Jacob would open fire on them. At that time, Officer Siebenborn requested the Bear Cat move up to their location which was northeast of Jacob's residence. The Bear Cat could then provide cover for officers and protect a nearby trailer home that was occupied by a family, including children from possible gun fire.

At approximately 6:51 PM, Jacob again opened the door to his trailer and was holding a long gun that was later found to be a shot gun in his hands. Jacob then leveled the shotgun and pointed it at Officer Siebenborn. Officer Siebenborn fired two (2) rounds from his SWAT issued M4 rifle in quick succession. Jacob fell to the ground after the shots were fired.

Officers were then able to use the Bear Cat to make an approach on the residence to clear it for any other potential threats. Jacob was given medical attention for his gunshot wounds by medics on scene. A Remington 870 Express Shotgun with a wooden stock was found at the doorway on the ground where Jacob had fallen. Live shotgun rounds were found in the trailer as well as one fired shotgun round. The shot gun was found to be empty with the safety on.

Jacob was transported to Sanford Hospital in Sioux Falls where he later was pronounced dead.

The Minnehaha County SO then took over the crime scene and the Division of Criminal Investigation (DCI) was contacted to take control of the scene for processing, evidence collection and documentation.

On 10/16/13, Officer Siebenborn told investigators that as the situation was evolving Jacob Westberg's demeanor was noticeably changing. The negotiations began as a conversation and escalated to Jacob yelling and cursing at officers. Officer Siebenborn was increasingly concerned for other officers, citizens and himself after Jacob had fired a round inside his trailer and displayed a shotgun. Officer Siebenborn feared for his life and the lives of others when Jacob pointed a long gun at him.

When Jacob opened the door of his residence and pointed a shotgun at Officer Siebenborn, Officer Siebenborn fired two (2) rounds from his Colt M4 Rifle. Officer Siebenborn's blood, urine, weapon, uniform, a gunshot residue kit, magazine and remaining duty ammo were collected. Twenty-eight (28) rounds should be in an officer's 30-round magazine; Twenty-six (26) rounds remained as two (2) had been fired. Officer Siebenborn's blood and urine were submitted to the South Dakota Health Lab for testing.

On 10/14/13, Deputy Sgt. Evans arrived on scene and responded to the area south of Jacob's trailer. There, Sgt. Evans held a perimeter position to contain the developing situation. He was then called to assist with negotiations as a member of the Crisis Negotiations Unit. Sgt. Evans then repositioned himself to the front of Jacob's trailer where he began negotiations on the phone and in person. As negotiations continued, Sgt. Evans noticed Jacob's demeanor changing.

Jacob had come to the front of his trailer wielding a long gun on one occasion and it appeared as if he fired a round inside of his trailer. Sgt. Evans then observed Jacob standing in the door way of his trailer pointing a long gun. Sgt. Evans told the other officers that Jacob had a gun. When the Bear Cat moved near the north east of Jacob's trailer Sgt. Evans and Officer Siebenborn used it for cover. Sgt. Evans then heard what sounded like two gun shots which were from Officer Siebenborn.

### **Crime Scene and Witness Interviews**

Based on DCI interviews with officers involved and the scene investigation, the following information was gathered during this investigation:

-Officer Siebenborn was the only officer to use deadly force and a total of two (2) .223 rounds were fired by him.

-A suicide note was found in Jacob's residence along with the shotgun he was holding and pointed at police during the standoff. A suspected .223 bullet was recovered in the residence that was believed to have traveled through Jacob's body. A spent shotgun round was also found on scene along with a shot pattern inside the house indicating at least one shotgun shell round was in fact fired from inside the trailer.

Neighbors reported Jacob yelling and cursing at officers as they were trying to negotiate with him. A nearby neighbor also observed Jacob with a shotgun in his hand while speaking with officers. On two occasions he observed it being pointed at them and stated he was in fear for his family and the officers.

Jacob's cell phone confirmed that the suicide note picture was on his phone along with a picture of him with what appeared to be the same or a similar shotgun in his mouth.

### **Final Autopsy Results and Criminal History**

On 10-17-13, an autopsy was performed on Jacob Westberg at Sanford Hospital by Minnehaha County Coroner and Forensic Pathologist Dr. Kenneth Snell. Jacob died from two (2) gunshot wounds.

-One (1) round entered Jacob's abdomen and exited his body, striking his liver before exiting. That round was later recovered by DCI Agents on scene.

-One (1) round entered Jacob's left side and traveled through his body striking his lungs and heart. That round was recovered during the autopsy.

-Jacob Westberg's blood and urine were sent to the South Dakota Health Lab for testing and indicated a .197% blood alcohol. His urine was negative for any other drugs.

The DCI conducted a criminal history check on Jacob Westberg. Jacob had an active misdemeanor bench warrant for no proper license plates on a vehicle for \$155. Jacob had no prior criminal history.

### **Investigation Results**

The investigation into the crime scene indicated that Officer Siebenborn was approximately 36.5 yards away when he fired the two shots at Jacob Westberg.

The test results for Officer Siebenborn's blood and urine indicated negative for any drugs or alcohol.

It is the conclusion of this report and the Attorney General that Officer Siebenborn 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 officers were found to be consistent with the described events that occurred on 10/14/2013.