

## **Sioux Falls Police Department and Minnehaha County Sheriff's Office Shooting Summary Detailing the Events That Took Place on 10/28/21.**

On 10/28/21, the Sioux Falls Police Department and Minnehaha County Sheriff's Office requested the Division of Criminal Investigation (DCI) investigate an officer involved shooting that occurred at 440 South Garfield Avenue in Sioux Falls, SD. The suspect, Elwood Joseph Dwyer Jr., was shot five (5) times by law enforcement after charging at them with a knife. Dwyer Jr. died as a result of the gunshots. One (1) round was fired at Dwyer Jr. by a Minnehaha County Deputy. Four (4) rounds were fired at Dwyer Jr. by a Sioux Falls Police Officer. The following is a synopsis of the events that occurred on 10/28/21, and the investigation that was conducted by the South Dakota DCI.

### **Synopsis**

On 10/28/21, at approximately 7:34 AM, the Sioux Falls Police Department was dispatched to the Sanford Hospital Emergency Room at 1305 West 18<sup>th</sup> Street in Sioux Falls, SD for an aggravated assault. Three (3) victims had arrived at the hospital with multiple stab wounds.

An adult female stabbing victim advised law enforcement that Elwood Joseph Dwyer Jr. had stabbed her along with her juvenile son and an adult male. The stabbing victims were reported to be in serious condition with the adult male being unconscious. The female victim advised she had driven all three of them to the hospital after being stabbed. She said the stabbing occurred at 440 South Garfield Avenue in Sioux Falls, SD and thought Elwood Dwyer Jr. was still at the residence.

The female victim told law enforcement that Elwood Dwyer Jr. is her ex-boyfriend and father of the juvenile boy. She also stated that the juvenile boy had stayed overnight at the above-mentioned address with Elwood Dwyer Jr. She said she was returning that morning (10/28/21) to pick up the juvenile boy.

When the female victim arrived at the above-mentioned address, her son came to the door covered in blood. Elwood Dwyer Jr. then began attacking her inside the residence with a knife. The attack continued as the juvenile and female victim made their way outside and into the yard and driveway. The female victim's father, who was still in the vehicle, observed the attack and exited the vehicle to intervene. The female victim's father was then stabbed by Elwood Dwyer Jr. multiple times. The female, juvenile and male victims were then able to get back into their vehicle and the female victim drove them all to the hospital.

The juvenile boy told law enforcement that his father, (Elwood Dwyer Jr) had hurt him. The juvenile boy received a laceration to his neck and a stab wound to his back. The female victim suffered serious injuries as well. The adult male victim received multiple stab wounds during the incident and died as a result of his injuries on November 9, 2021.

At that time, law enforcement responded to 440 South Garfield Avenue in an attempt to make contact with Dwyer Jr. Officers on scene immediately began negotiations with him. Officers announced their presence and identified themselves as the Sioux Falls Police Department. Officers present were in full uniform, identifying themselves as police officers. They repeatedly told Dwyer Jr. to come out of the house with his hands up and that he was under arrest. At approximately 8:00 AM, Dwyer Jr. could be heard yelling obscenities at the officers. Dwyer Jr. was observed by officers walking around inside the house and appeared to be throwing

unknown objects. At approximately 8:11 AM, he opened the front (west) door and stood in the threshold while negotiations continued. Dwyer Jr. was armed with a knife in his hand and was bleeding from his arms. He told negotiators, "I killed my son" and "that's all I had".

The Special Weapons and Tactics (SWAT) team was called out to the residence at approximately 8:12 AM.

Dwyer Jr. continued to mention his son and said he loves him. Negotiators offered him water, cigarettes and a vape pen but he still refused to drop the knife he was holding in his hand. At approximately 8:31 AM, Dwyer Jr. stepped back inside the house and shut the door.

Negotiations continued and Dwyer Jr. could be seen walking back and forth inside the house. He was previously wearing a bloody t-shirt but had removed it and put on a dark blue jacket. At approximately 9:31AM, Dwyer Jr. exited the house through the front (west) door. Dwyer Jr. was holding the same large, fixed blade knife in his right hand while standing on the second step of the porch. At approximately 9:32AM, SWAT officers fired two less lethal 40mm rounds at Dwyer Jr. in an attempt to get him to drop the knife. The less lethal rounds appeared to have little to no effect on gaining compliance of Dwyer Jr. At that time, Dwyer Jr. quickly left the steps and charged at officers with the knife raised and pointed towards them. He was then shot by a SWAT Officer (Officer #1) with four (4) rounds from his/her duty issued .223 caliber AR-15 rifle. He was also shot by a SWAT sniper (Officer #2) with one (1) round from his/her duty issued .308 caliber bolt action rifle. Elwood Dwyer Jr. collapsed on the ground and appeared to still be holding the knife in his hand. SWAT Officers then fired three (3) more less lethal 40mm rounds at him, in an attempt to distance him from the knife if possible. At approximately 9:33 AM, a Sioux Falls Police Department K9 Officer was able to use his/her K9 to drag Dwyer Jr. several feet to separate Dwyer Jr. from the knife. At approximately 9:34 AM, the SWAT team and SWAT team medics made contact with Dwyer Jr. to secure him and treat him for his injuries.

Elwood Dwyer Jr. died at the scene as a result of his gunshot injuries.

### **Shooting Scene Investigation**

The shooting scene investigation was conducted by the DCI and items of evidence, including video of the event, confirmed officer statements.

A bloody, black handled, fixed blade knife, approximately ten (10") inches in overall length, was found near Elwood Dwyer Jr. The blade length was approximately four and a half (4.5") inches long.

A crime scene map was prepared and is attached to this report for further details.

### **Interview with Officer #1: Sioux Falls Police Department SWAT Officer**

On 10/29/21 at approximately 9:00 AM, a DCI Special Agent conducted an interview with Officer #1 at the Sioux Falls Law Enforcement Center. Officer #1 stated that he/she was called out at approximately 8:12 AM to respond to 440 Garfield Avenue in Sioux Falls because Elwood Dwyer Jr. had just stabbed three people. While on scene, Officer #1, along with other SWAT team members, took a position of cover behind a patrol vehicle parked on the road in front of the house. Officer #1 was able to observe Dwyer Jr. inside and thought he was wearing a black t-shirt. The shirt was dripping, and Officer #1 assumed it was blood. Dwyer Jr. was also observed to be covered in blood on his hands, face, and neck. Dwyer Jr. was carrying a fixed blade knife that Officer #1 observed to be approximately 6 to 8 inches in length. Officer #1 stated that Dwyer Jr. never put the knife down but was moving it from hand to hand.

Officer #1 said that negotiations were being conducted and that he/she thought Dwyer Jr. was responding to them. Dwyer Jr. was moving around during negotiations and could be seen through the door and heard saying, "She thought he was the devil." Dwyer Jr. then kissed a picture of his son and said he "was going to join him". A bloody photograph of juvenile victim was recovered outside the residence at the scene by investigators.

Dwyer Jr. then came out of the front (west) door holding a knife. SWAT team members had already decided that if Dwyer Jr. came back out with a knife, they would use less lethal options to try and gain compliance thinking he may surrender. Officer #1 said that when Dwyer Jr. was on the front steps, he was holding the knife and not complying with negotiators. A less lethal round was then fired by another SWAT Officer to get Dwyer Jr. to drop the knife. When the less lethal round struck Dwyer Jr. in the left leg, he looked surprised and Officer #1 described Dwyer Jr. as having a "super angry, seeing red face".

Officer #1 then said Dwyer Jr. started charging right at them. Officer #1 said the negotiators and less lethal officers did not have any lethal weapons out. Officer #1 said that he/she felt they had to protect the other officers and did not think anyone else but he/she or a sniper could shoot. Officer #1 stated that he/she was concerned for the safety of the other officers on scene and that if Dwyer Jr. had gotten any closer, someone was going to get stabbed. At that time, Officer #1 thought he/she fired two to three (2-3) rounds and Dwyer Jr. fell to the ground. Officer #1 said that everything happened very quickly.

After the shooting, Officer #1 stated there was no indication that Dwyer Jr. was deceased. He was still observed to be breathing and possibly trying to draw them in for another attack. Several more, less lethal rounds were fired at Dwyer Jr. and shortly after this, no further movement was observed. At that time, a K9 was deployed in order to move Dwyer Jr. away from the knife that they could no longer see. Once Dwyer Jr. was moved, officers and two SWAT medics rendered aid.

#### **Interview with Officer #2: Minnehaha County Deputy Sheriff SWAT Sniper**

On 11/1/21 at approximately 9:00 AM, a DCI Special Agent conducted an interview with Officer #2 at the Sioux Falls Law Enforcement Center. Officer #2 stated that he/she was called out at approximately 8:15 AM to respond to 440 Garfield Avenue in Sioux Falls for a stabbing and barricaded subject. Officer #2 was then assigned as a sniper and took a prone position across the street, north of where the other SWAT team members were located. Officer #2 deployed his/her duty issued .308 caliber bolt action rifle once in position.

Officer #2 said he/she could see Dwyer Jr. behind the front door. Dwyer Jr. had blood on his face and was wearing a black colored t-shirt. Officer #2 could hear Dwyer Jr. yelling belligerently at negotiators as they told him they could check on his son in an attempt to calm him down. Dwyer Jr. then came to the front west door and eventually exited it. Once on the steps, Officer #2 noticed Dwyer Jr. was struck with a less lethal round but did not see where it impacted. Officer #2 noticed Dwyer Jr.'s face turn to an angry look. Dwyer Jr. then sprinted toward the other SWAT Officers with a knife still in his hand. Officer #2 then fired one round from his/her .308 caliber bolt action rifle. Officer #2 did say they heard other weapons being fired and did not know if he/she fired first or if Officer #1 did.

After Dwyer Jr. was shot, he fell to the ground still holding the knife in his hand. Officer #2 observed Dwyer Jr. still breathing with his eyes open. At that time, SWAT members fired more less lethal rounds at Dwyer Jr. in order to get him to release the knife. After the less lethal

rounds were fired, Officer #2 observed a K9 being deployed to move Dwyer Jr. away from the knife. Once Dwyer Jr. was moved, officers moved and rendered medical aid to Dwyer Jr.

Officer #2 recalled seeing Dwyer Jr. at one point holding a knife to his throat as negotiators told him to put it down. Officer #2 observed the knife that Dwyer Jr. was holding was a fixed blade knife. Officer #2 stated that everything happened in a matter of seconds and Dwyer Jr. was running toward the other officers when he/she shot to protect them.

### **Witness Interviews**

DCI Agents conducted interviews of witnesses in the area at the time of the incident, including officers and civilian bystanders. A Sioux Falls Police Sergeant reported that he/she felt Dwyer Jr. was around fifteen feet away from officers when deadly force was applied. The SFPD Sergeant and a SFPD Lieutenant both reported that Dwyer Jr. ran in a straight line directly toward the SWAT Officers, and the location of Officer #1. It was noted that Dwyer Jr. charged directly at the officers nearest to him, instead of fleeing in other directions where officers were not positioned.

A DCI Agent canvassed the area and contacted several neighboring houses. One witness said Elwood Dwyer Jr. came out of the house and charged the officers with a knife in his hand. The witness advised that law enforcement was telling him to stop before he was shot. A second witness heard law enforcement telling Dwyer Jr., "We want to help you. Put down the knife." and "Put the knife down."

### **Video Evidence**

Patrol vehicle video and officer worn body cameras were reviewed during this investigation. The following was clearly observed through audio and video recordings. When the first officers on scene arrived, they immediately began negotiations. Continued negotiations were later taken over by other certified negotiators. As SWAT team members arrived, they can be heard discussing utilizing less lethal munitions should Dwyer Jr. exit the house with the knife in hand. When Dwyer Jr. did exit the house with a knife, he was struck with less lethal munitions that had little to no effect on him. As described in the above interviews, Dwyer Jr. was then seen looking toward the SWAT officers on the south side of the house. Dwyer Jr. then quickly ran off the front steps with the knife extended outward and in his right hand. Five (5) total gunshots can be heard, and Dwyer Jr. was observed falling to the ground.

### **Firearm Examinations**

Officer #1 fired his/her duty issued .223 caliber AR-15, four (4) times. The magazine was originally loaded with twenty-eight (28) rounds and twenty-four (24) rounds remained after the shooting.

The South Dakota Forensic Lab conducted testing on Officer #1's firearm. They concluded that all four (4) shell casings found at the scene matched this duty weapon.

Officer #2 fired his/her duty issued .308 caliber bolt action rifle one (1) time. The magazine was originally loaded with ten (10) rounds and nine (9) rounds remained after the shooting.

The South Dakota Forensic Lab conducted testing on Officer #2's firearm. They concluded that the single spent shell casing found at the scene matched this duty weapon.

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

Drug and alcohol tests were conducted on Officer #1 and Officer #2. All test results were negative for any drugs or alcohol.

An autopsy was performed on Elwood Dwyer Jr. It was confirmed that he was shot five (5) times. One (1) projectile was recovered from his body. The autopsy report notes a gunshot wound to the chest from distant range, a gunshot wound of the right arm from distant range, with re-entry of the chest/abdomen, a gunshot wound to the right arm from distant range, with re-entry to the chest, a gunshot wound to the left arm from distant range, and a gunshot wound to the left arm from distant range. In addition to the gunshot wounds, the autopsy report noted incised wounds to Dwyer Jr. on his neck and forearm/wrist. Toxicology results showed positive for Amphetamine, Methamphetamine and Stimulants.

A criminal history on Elwood Dwyer Jr. was also reviewed. He had been arrested and convicted for various crimes including, 3<sup>rd</sup> Degree Arson, Obstructing and Resisting Arrest, Simple Assault, Felony DUI and Possession of Controlled Substance (Methamphetamine).

### **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 rapidly evolving. Elwood Dwyer Jr. was non-compliant with officers on scene. Officers on scene knew Dwyer Jr. was the suspect in the stabbing of three people. Elwood Dwyer Jr. was seen charging at officers in a threatening manner with a knife in his hand. Officers #1 and #2 knew Elwood Dwyer Jr. continued to disobey orders to drop the knife and ran toward other officers with a deadly weapon. Elwood Dwyer Jr. had the means and opportunity to use deadly force and was a clear and present danger to law enforcement on scene.

It is the conclusion of this report and the South Dakota Attorney General that Officers #1 and #2 were justified in firing their weapons and using lethal force.

The DCI crime scene investigation, evidence collection, witness statements, and review of the video, are consistent with statements received from Officers #1 and #2.



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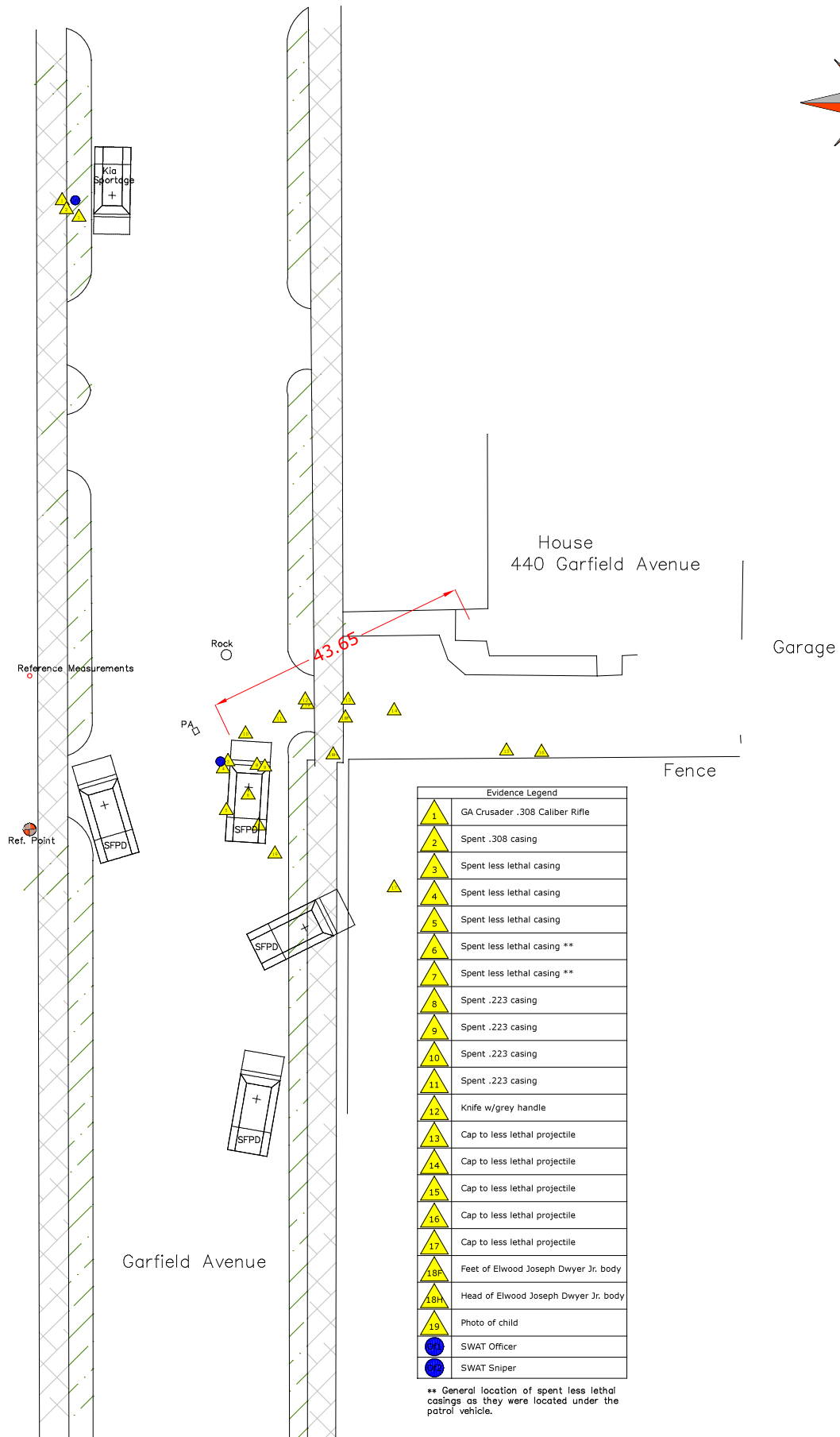
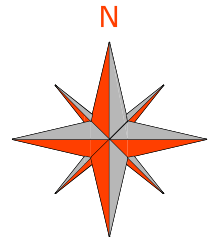
20213285NR-152 - Digital Photo - Photographs of  
Scene at 440 S Garfield Ave (152)

Printed on November 23, 2021



**Photographs of Scene at 440 S Garfield Ave (152)**

**Comments:**  
**Subjects:**



Evidence Legend	
1	GA Crusader .308 Caliber Rifle
2	Spent .308 casing
3	Spent less lethal casing
4	Spent less lethal casing
5	Spent less lethal casing
6	Spent less lethal casing **
7	Spent less lethal casing **
8	Spent .223 casing
9	Spent .223 casing
10	Spent .223 casing
11	Spent .223 casing
12	Knife w/grey handle
13	Cap to less lethal projectile
14	Cap to less lethal projectile
15	Cap to less lethal projectile
16	Cap to less lethal projectile
17	Cap to less lethal projectile
18F	Feet of Elwood Joseph Dwyer Jr. body
18H	Head of Elwood Joseph Dwyer Jr. body
19	Photo of child
SWT	SWAT Officer
SW	SWAT Sniper

\*\* General location of spent less lethal casings as they were located under the patrol vehicle.

Scale = 1:25



**Incident:**  
Officer Involved Shooting

**Location:**  
440 Garfield Avenue, Sioux Falls

**Date of Occurrence:**  
October 28, 2021

**Investigating Agency:**  
South Dakota Division of Criminal Investigation

**Date Mapped:**  
October 28, 2021  
**Drawn By:**  
South Dakota Highway Patrol