

## **Rapid City Police Department Officer Involved Shooting Summary**

### **Detailing Events that took place on May 30<sup>th</sup> 2023**

#### **OVERVIEW**

On May 30<sup>th</sup> 2023, the Rapid City Police Department (RCPD) requested that the South Dakota Division of Criminal Investigation (DCI) investigate an Officer Involved Shooting that had occurred at a residence in the 100 block of East Signal Drive in Rapid City. Kyle Whiting, age 25, was fatally shot during a confrontation with a Rapid City Police Officer. The following is a synopsis of the events that occurred on May 30<sup>th</sup>, and the subsequent investigation that was conducted by the DCI.

#### **SYNOPSIS**

On May 30<sup>th</sup> at approximately 11:35 AM, the Pennington County/Rapid City Emergency Services Communications Center received contact from a resident on East Signal Drive in Rapid City. The caller reported there were two people at their residence who were refusing to leave. The caller identified both subjects and indicated that one of the subjects (Kyle Whiting) was prohibited by court order from being at the residence.

Officer #1 and Officer #2 responded separately to the residence after being notified of the call for service. The Officers were informed that Kyle Whiting had outstanding warrants for assault and controlled substance violations and a protection order prohibiting him from being at the caller's residence. Officer #1 arrived to find that Whiting had left on foot. Officer #1 was directed to the area of the Estes Park Apartment Complex and proceeded in that direction on foot. Officer #1 observed Whiting walking in the parking lot of the apartment building. Officer #1 called out for Whiting to stop and informed him that he was under arrest. Whiting fled on foot through the apartment complex while Officer #1 pursued the suspect.

Officer #2 was responding to the call for service when they heard Officer #1 notify dispatch that they were in pursuit of Whiting. Officer #2 arrived in the area and located Whiting running through the area of East Signal Drive. Officer #2 pursued Whiting on foot, issuing commands to stop. Whiting ran to a residence and attempted to gain entry through an east exterior door. Officer #2 confronted Whiting at the door and observed an apparent pistol in Whiting's right hand. Officer #2 started to give Whiting a command when Whiting turned toward Officer #2, pointing the apparent pistol in Officer #2's direction. Officer #2 fired three rounds from their sidearm toward Whiting while he was standing in the doorway of the residence. Whiting was struck by multiple rounds and dropped the apparent pistol. Officer #2 gave commands for Whiting to lay on the ground with his hands out. Officer #1 arrived, pointed their firearm at Whiting to gain compliance and issued additional commands.

A bystander who was inside the residence was struck by a bullet that traveled through the doorway. The bystander came outside as Officer #1 and Officer #2 were securing Whiting. The bystander complied with the Officers' commands and showed the Officers a gunshot wound to the abdomen sustained by the bystander. Officer #1 and Officer #2 rendered medical aid to both Whiting and the bystander until additional law enforcement and emergency medical services arrived.

Whiting and the bystander were transported to Monument Hospital in Rapid City. Whiting was pronounced deceased at the hospital. The bystander sustained non-life-threatening injuries and was later released.

DCI Agents determined that Officer #2 was the only person who fired a weapon during the incident.

The incident was captured by both Officer #1 and Officer #2's body worn cameras.

The Pennington County Sheriff's Office and South Dakota Highway Patrol secured the scene until DCI Agents arrived.

DCI Agents and a Detective from the Spearfish Police Department contacted the RCPD Officers involved in the incident. Agents documented that the Officers were wearing their RCPD- issued uniforms. Officer #2's duty firearm was documented and inventoried as follows:

- Officer #2's duty issued Glock 9 mm handgun contained 17 unfired cartridges including one round in the chamber (one round short of full capacity).
- Officer #2 had one spare magazine which contained seventeen unfired cartridges. (full capacity)
- Officer #2's other magazine was located at the scene and contained 13 unfired cartridges (4 short of full capacity).
- 3 9 mm casings and two unfired 9 mm cartridges were also recovered at the scene

Officer #1's firearm and spare magazines were documented and found to be at full capacity.

### **SCENE INVESTIGATION**

The shooting scene investigation conducted by DCI produced several items of evidence that confirmed statements given by the Officers and video obtained of the incident.

There were three (3) fired 9 mm casings on scene, consistent with the location of the involved officer and consistent with the ammunition utilized by the RCPD. There were two (2) unfired 9 mm cartridge casings located in the same general area that was also consistent with ammunition utilized by the RCPD.

DCI Agents documented and collected a black novelty gun lighter, which was located on the sidewalk near the east door of the residence where the shooting took place in the 100 block of East Signal Drive. This item did not function as a firearm but had the appearance of a compact semi-automatic pistol.

DCI Agents observed one bullet defect in the east door of the residence on East Signal Drive. This defect was consistent with the location and direction Officer #2 had fired their duty pistol.

The South Dakota Highway Patrol recorded and measured the scene of the incident with a laser scanning device.

## **OFFICER INTERVIEW**

On June 1<sup>st</sup>, 2023, DCI Agents interviewed Officer #2. Officer #2 described their involvement and thought process during the shooting incident.

Officer #2 was dispatched to East Signal Drive in reference to a violation of bond conditions. Officer #2 reviewed the call notes and observed one of the suspects in this call, Kyle Whiting, had multiple warrants for his arrest. Officer #2 was not familiar with Whiting or the address on East Signal Dr. Officer #2 was responding to assist Officer #1 when they heard radio traffic of the foot pursuit. Officer #1 gave a physical description of Whiting and the location of the pursuit.

Officer #2 arrived in the area and observed a male matching the description running south toward East Signal Dr, being pursued by Officer #1. Officer #2 unholstered their Taser as they pursued Whiting, who was ignoring commands.

A witness pointed out to Officer #2 where Whiting was running. Officer #2 could see Whiting running behind the houses on the south side of East Signal Drive, and Officer #2 proceeded to pursue Whiting on foot behind the houses.

Officer #2 believed Whiting was approximately 100-150 feet ahead of the officers. Officer #2 gave Whiting loud verbal commands to stop and told Whiting was under arrest. Officer #2 observed Whiting reaching into the front of his waistband.

Officer #2 holstered the Taser and drew their firearm, believing that Whiting could be armed and attempting to retrieve a weapon.

As Officer #2 approached the residence in the 100 block East Signal Drive, they rounded a corner to find Whiting in front of the door of the residence attempting to gain entry.

Officer #2 observed that Whiting had his shoulder against the door and was trying the door handle. Officer #2 did not know if Whiting was attempting to break into the residence. Whiting was holding what Officer #2 believed was a firearm in his right hand, which was pointed down and towards the door. Officer #2 ordered Whiting to get on the ground.

Whiting turned towards Officer #2 and began to point the firearm toward the Officer. Officer #2 was in fear that Whiting was going to shoot the Officer. Officer #2 fired approximately three to four times. Whiting rotated and covered his torso, dropping the gun, at which time Officer #2 stopped firing. The door to the residence was closed and there were no other people around. Officer #2 no longer perceived Whiting as a threat after he dropped the gun.

Immediately after the shooting, Officer #2 believed there was an issue with their firearm and reloaded a magazine while stepping away to cover. Officer #2 said they could hear Whiting screaming and they gave him commands to get on the ground.

Once Whiting was on the ground, Officer #2 and Officer #1 gave verbal commands to keep his hands straight out as Whiting reached toward his waistband. Prior to taking Whiting into

custody, another subject exited the residence and had an apparent injury to their abdomen, which was actively bleeding. Officer #2 holstered their firearm and began to render aid to this subject as other Officers arrived on-scene. Officer #2 requested dispatch start emergency medical services for two subjects with gunshot wounds.

### **WITNESS INTERVIEW**

DCI Agents interviewed multiple witnesses in this investigation, to include the initial reporting party and the injured bystander.

A witness reported using methamphetamine and alcohol with Whiting on the date of the incident. The witness described Whiting was as being intoxicated prior to the shooting. Text message communications showed that Whiting had intentions of delivering drug paraphernalia to the shooting incident address on East Signal Drive. A witness within the residence where the shooting took place heard a banging on the door, and Whiting requesting they open the door just prior to the shooting. DCI Agents learned that Whiting had frequented that particular address and was associated to the injured bystander who was shot through the door.

A second witness observed the pursuit and told Whiting to stop and let the Officer arrest him. The witness also saw Whiting on his stomach and the cop pointing a gun at him.

A third witness reported seeing Whiting running and being chased by an Officer. Whiting had a black handgun in his hand which remained down by his waist.

A fourth witness reported hearing emergency sirens, which caused them to leave their residence. The witness reported seeing a male running through backyards and noticed something in his waistband. This witness said they then ran inside and locked the door. The witness recalled seeing a male in a white shirt with his hands up between the duplexes, and an Officer shooting. The witness believed the Officer shot the same guy who was running behind their house, with the "gun" in his waistband.

### **VIDEO EVIDENCE**

DCI collected all available video evidence associated to the shooting incident. Officer #1 and Officer #2's body worn camera's (BWC) footage was collected as evidence and reviewed.

Officer #1's camera shows the initial arrival to the call and the caller directing Officer #1 in the direction that Whiting had walked toward. Officer #1 contacted Whiting by yelling towards him near the Estes Park Apartments. Officer #1 calls out to Whiting that he is under arrest. Officer #1 directs Whiting to keep his hands out of his pockets before Whiting flees around the apartment complex.

Officer #2 BWC shows them responding and unholstering their Taser while joining the foot pursuit. The Officers lose sight of Whiting as he runs through backyards near East Signal Drive. Residents direct the Officers toward the area where Whiting was last seen. Officer #1 and Officer #2 separate while searching for Whiting. Officer #2 locates Whiting who continues to

flee. Officer #2 announces multiple times for Whiting to stop, that he is under arrest, and to keep his hands out of his pockets.

Officer #2 holsters their Taser and notifies dispatch Whiting has his hands in his waistband. Officer #2 comes around the corner of a residence between two duplexes and observes Whiting with the perceived pistol in his right hand, attempting to enter the residence in the 100 block of East Signal Drive. Officer #2 begins to give a command while pointing their sidearm toward Whiting. Whiting turns toward the direction of Officer #2 who in turn fires three rounds in short succession. Whiting drops the pistol and hunches forward. Officer #2 ejects their magazine and attempts to manipulate the slide while moving away toward cover. Officer #2 inserts a new magazine and manipulates the slide. Whiting begins moving down the sidewalk toward Officer #2 who continues to issue commands. Officer #1 arrives and also issues commands for Whiting to get on the ground and to not move. The injured bystander exits the residence and is seen taking off a sweatshirt, showing apparent blood coming from their abdomen area.

Officer #2 provides medical aid to the injured bystander while radioing for medical units to respond for two gunshot victims. Officer #1 handcuffs Whiting and begins to provide medical aid to him, which included CPR, applying a tourniquet, and applying an AED. Other Officers and Medical personnel arrive and assist with administering first aid.

### **FORENSIC EXAMINATION**

The South Dakota Forensic Laboratory (SDFL) conducted firearm testing of Officer #2's Glock model 17 9mm pistol. The SDFL concluded the 9 mm casings recovered at the scene were consistent with being fired from Officer #2's duty weapon.

### **MEDICAL REPORTS AND CRIMINAL HISTORY**

A drug screen and blood alcohol test were conducted on Officer #2 with negative results.

An autopsy performed on Whiting showed he suffered multiple gunshot wounds. Two bullets were recovered from Whiting's body. A drug screen showed the positive presence of methamphetamine, amphetamine, and ketamine in Whiting's system.

The bystander who received a gunshot wound had a bullet lodged within their hip area which has not yet been recovered.

A criminal background check of Whiting showed a history of criminal offenses to include domestic violence, possession of controlled substances, and violation of protection order. Whiting had six (6) active warrants in Pennington County. There were four protection orders issued against Whiting, including the caller and address where this incident was initiated. Whiting was the subject in three disturbances between April and May 2023, two of which were in relation to the initial caller's address on East Signal Drive. The investigation did not identify any history between Officer #2 and Whiting.

### **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. Kyle Whiting presented what Officer #2 perceived to be a clear and present danger to the public and other officers present at

the scene. Officer #2 believed they were in a situation in which Whiting attempted to inflict serious injury or death and Officer #2 responded with deadly force.

It is the conclusion of this report and the Attorney General that the Officer was justified in firing their duty weapon and using lethal force.



**Cutline: Photo of the novelty gun that was pointed at a Rapid City Police Officer by suspect Kyle Whiting prior to the officer shooting the suspect. (Division of Criminal Investigation Photo)**



**Cutline: Suspect Kyle Whiting, with a novelty gun in his right hand, looks at a Rapid City Police Officer prior to pointing the gun at the officer. The officer, perceiving a threat, then shot the suspect. (Footage from the Rapid City Police Officer Body-Worn Camera).**