

Rapid City Police Department Shooting Summary Detailing Events That Took Place on December 25, 2020

On 12-25-20, the Rapid City Police Department (RCPD) requested the South Dakota Division of Criminal Investigation (DCI) conduct an investigation into an officer involved shooting that occurred near the intersection of East Jackson Street and Milwaukee Street in Rapid City, SD. The suspect, a 15-year-old juvenile male, hereinafter referred to as D.M. was shot one time by a Rapid City Police Officer. D.M. sustained life-threatening injuries. The following information is a synopsis of the events that occurred on 12-25-20, and the investigation that was conducted by the South Dakota DCI.

Synopsis

In the late-night hours of 12-24-2020, and into the early morning hours of 12-25-2020 the Rapid City Police Department (RCPD) was conducting a homicide investigation and was looking for a white car that was possibly involved. RCPD also received a report of a white car involved with stealing mail and possibly breaking into houses and cars.

At approximately 3:43 AM, on 12-25-2020, a RCPD Officer conducted a traffic stop on a white 2015 Nissan Sentra for no working license plate light. After the RCPD Officer activated the emergency lights on the patrol car, the white Nissan began to slow down and pull over to the right side of East Jackson Street near the intersection of Milwaukee Street.

Prior to the vehicle coming to a complete stop, the rear driver's side door opened, and a male passenger jumped out and ran from the scene. The vehicle continued a short distance with the rear passenger door open before coming to a complete stop. As the RCPD Officer repositioned the patrol car a second individual, D.M., began exiting the white Nissan. The RCPD Officer exited the patrol car and unholstered their service handgun. The RCPD Officer instructed D.M. to "Stay in the vehicle" and to "Get in there". The RCPD Officer noticed the barrel of a long gun laying across the lap of D.M.

As the RCPD Officer was relaying the traffic stop location to dispatch, D.M. exited the vehicle with a bottle of Bombay Gin in his left hand and a 12-gauge shotgun in his right hand. D.M. pointed the shotgun in the direction of the RCPD Officer.

The RCPD Officer fired 7 rounds in direction of D.M., striking D.M. one time. The round struck D.M. in the throat. D.M. was unable to fire the shotgun before becoming disabled.

The RCPD Officer relayed, "Shots fired," to dispatch and requested assistance and medical to respond "hot". RCPD Officers rendered first aid to D.M., who was transported to Monument Hospital in Rapid City, before being life-flighted to Denver Children's Hospital with a life-threatening injury.

A DCI Agent and a Meade County Sheriff's Office Investigator made contact with the RCPD Officer. A DCI Agent documented that the RCPD Officer was wearing their Rapid City Police Department issued uniform. The RCPD Officer's duty firearm and magazine were secured, and inventoried. The inventory was documented as follows:

- The officer's duty issued Glock 9mm handgun contained one round in the chamber.
- The officer's duty magazine contained 10 unspent rounds.

- Two spare magazines associated with the officer's handgun contained 17 unspent rounds each.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by the RCPD Officer, witnesses present at the time of the shooting and video from the RCPD Officers body-worn camera and the patrol car camera. Specifically, there were 7 spent 9mm shell casings found on scene, consistent with the area where the RCPD Officer fired their handgun.

The black Remington 870 12-gauge shotgun D.M. exited the white Nissan with was lying in the street with one round in the chamber, 4 rounds in the tube and the safety mechanism in the fire position.

A Kavu brand shoulder bag, which RCPD Officers removed from D.M. while rendering aid, was also lying in the street. Multiple items were collected from the bag, including 17 unspent 12-gauge rounds, two 9mm pistol magazines (one was loaded with 10 live 9mm rounds) and a nylon holster. The shoulder bag also contained drug paraphernalia, which included a small jeweler's bag with a white powder residue, a glass vial with a white powder residue and a small prescription bottle which appeared to have trace amounts of marijuana inside it. Lab results confirmed the small jewelry bag and the vial tested positive for methamphetamine and the prescription bottle tested positive for cannabis.

Other items located in the street included a bottle of Bombay gin, a pipe consistent with drug paraphernalia and a cell phone.

Interview of RCPD Officer

On 12-29-2020, a DCI Agent and a Meade County Investigator interviewed the RCPD Officer. The RCPD Officer said they were on duty with the Rapid City Police Department on 12-25-2020. The RCPD Officer assisted with a homicide investigation in the late-night hours of 12-24-2020 and into the early morning hours of 12-25-2020. The RCPD Officer learned RCPD was looking for a white car involved in the homicide. The RCPD Officer was also aware RCPD received recent reports of a white car involved with stealing mail and possibly breaking into houses and cars.

The RCPD Officer finished paperwork related to assisting with the homicide investigation and returned to patrol duties. The RCPD Officer was traveling eastbound on East North Street and observed a white car with tinted windows going westbound. The RCPD Officer said after passing the white car, they tapped on the brakes and observed the white car also hit their brakes. The RCPD Officer observed the vehicle turn northbound and believed they were going to a gas station on the corner. The RCPD Officer turned around and traveled to the area of the gas station and did not observe the vehicle in the gas station parking lot.

The RCPD Officer observed the white car traveling northbound on Milwaukee Street and observed the vehicle did not have a working license plate light. The RCPD Officer caught up to the white car and observed it turn westbound onto East Jackson Street. The RCPD Officer was aware there are not many residences in that area and East Jackson Street was a dead end into the Youth and Family Services (YFS) parking lot. The RCPD Officer followed the vehicle south in the parking lot and observed the white car use its turn signal while in the parking lot.

The RCPD Officer followed the vehicle until it was eastbound on East Jackson Street and activated the emergency lights and siren as the vehicle approached Milwaukee Street. The RCPD Officer observed a male exit the rear driver's side door of the vehicle before it came to a complete stop and took off running northbound on Milwaukee Street.

The RCPD Officer said the vehicle continued to move forward before stopping. The RCPD Officer repositioned the patrol car. The RCPD Officer unholstered their duty handgun not knowing what other threats remained after the first male subject ran from the vehicle.

The RCPD Officer said D.M. started to get out of the vehicle. The RCPD Officer recalled telling D.M. to stay in the vehicle at least two times. The RCPD Officer said D.M. ignored the commands and continued to try to get out of the vehicle. The RCPD Officer recalled seeing a long gun come out and lay on D.M.'s lap. The RCPD Officer said D.M. was seated in the vehicle but turned outward with the gun on his lap. As the RCPD Officer attempted to relay the location of the traffic stop to dispatch, D.M. exited the vehicle. The RCPD Officer was able to observe the gun D.M. had was a shotgun.

The RCPD Officer said D.M. exited the vehicle and turned toward the RCPD Officer. The RCPD Officer said D.M. was holding the shotgun in his right hand against his torso and a bottle of something in his left hand. The RCPD Officer said D.M. was holding the shotgun in a manner you would hold it to shoot it with one hand. The RCPD Officer said D.M. pointed the shotgun directly at the officer.

The RCPD Officer fired a couple of rounds from their duty pistol. The RCPD Officer fired the first rounds from the hinged area of the patrol car door and continued to fire while moving to the rear of the patrol car.

The RCPD Officer was able to radio to dispatch that shots were fired and the location. The RCPD Officer moved back toward the driver's door of the patrol car and saw D.M. laying on the ground on his right side with the shotgun underneath him. The RCPD Officer requested other officers and medical assistance respond to the location.

The RCPD Officer told all the remaining passengers in the vehicle not to move and waited for other officers to arrive at the scene. When additional RCPD Officers arrived on scene, they conducted a felony stop of the vehicle and removed all the passengers.

The RCPD Officer said once the felony stop was completed and the vehicle was determined to be secure, the RCPD Officer rendered aid to D.M. The RCPD Officer said a RCPD Sergeant assigned someone else to render aid to D.M. and the RCPD Officer was removed from the immediate scene.

The RCPD Officer said they believed their life was in danger when the shotgun was pointed at them and recalled recently watching a video for training of a Trooper in Montana who was killed with a shotgun.

The information obtained from the RCPD Officer was consistent with the witness statements, video and recording of the incident and the shooting scene investigation.

Witness Interviews

The female driver of the vehicle said she had gone to pick up her sister. The driver said she picked up her sister and D.M. at approximately 11:30 PM to drive them home. The driver said she had only met D.M. one other time.

The driver said she was pulled over for what she believed to have been a stop sign violation. The driver said when she pulled over, D.M. told her "to go" and to "take off" multiple times, to which she told D.M. no. The driver said she remembered hearing 8-9 shots but did not see what occurred. The driver said she saw D.M. lying on the ground with a gun.

The female front-seat passenger (hereinafter referred to as passenger 1) said the vehicle was hers and she allowed the driver to drive them around starting at approximately 1:30 to 2:00 AM. Passenger 1 said she, and two other passengers picked up D.M. and a second male. Passenger 1 said D.M. and the other individual were acting weird and described them acting as if someone were after them. Passenger 1 said she could tell D.M. and the other passenger had been drinking alcohol and she could smell it.

Passenger 1 said the first time she saw the shotgun was when they picked up D.M. and the other male. Passenger 1 described the gun as a black shotgun, approximately 4 feet long and wrapped in a blanket.

Passenger 1 said after the police officer initiated the traffic stop, everyone in the car began to freak out and she remembered hearing something about warrants. Passenger 1 said when the vehicle pulled over, D.M. and the other male ran out of the vehicle, followed by the shooting. Passenger 1 estimated 10 shots were fired.

The male backseat passenger, (hereinafter referred to as passenger 2) said he was riding around with 3 females in the car and they stopped to pick up two of the rear seat female passenger's friends, D.M. and another male. Passenger 2 said he didn't see D.M. or the other male enter the car with a shotgun but saw them with one while they were driving around and said the shotgun was not in the car prior to picking up D.M. and the other male.

Passenger 2 said while they were driving around, they noticed a police car behind them and D.M. and the other male started to panic. Passenger 2 said when the cop turned on the lights and the driver started to pull the car over, the unknown male opened the rear driver side door and took off running. Passenger 2 said he heard D.M. "cock" the shotgun and get out of the same door. Passenger 2 said as soon as D.M. stood up, he heard what he thought was 4 gunshots. Passenger 2 assumed the shots came from the police officer but was not certain.

The female backseat passenger, (hereinafter referred to as a passenger 3) said she had received a message from D.M. asking for a ride and telling her he would give her gas money around 2:40 AM. Passenger 3 said she and the 3 other people in the car drove and picked up D.M. and another male. Passenger 3 said she did not see D.M. or the other male with a gun when they got into the car but was positive the gun was not in the car before they picked them up.

Passenger 3 said when the police officer pulled behind them, everyone started to freak out. Passenger 3 said D.M. and his friend were yelling for the driver to take off. Passenger 3 said when the driver pulled the car over, D.M.'s friend opened the rear driver side door and took off running. Passenger 3 said she looked over and saw the gun near D.M. for the first time. Passenger 3 said she saw D.M. grab the gun with one hand and had a bottle of alcohol in the other hand. Passenger 3 said she was telling D.M. not to get out of the car, but he was not listening.

Passenger 3 said as D.M. was getting out of the car, she heard the police officer yelling, “stop, don’t move, drop the weapon”. Passenger 3 said D.M. ignored the officer and continued to get out of the car with the gun. Passenger 3 said D.M. struggled to get out of the car because he had been drinking and the gun was so big. Passenger 3 said she continued to hear the officer yelling and she heard 2 to 3 gunshots. Passenger 3 said she was not sure if the gunshots came from the officer or D.M. but said D.M. quickly fell to the ground.

D.M. declined to speak with a DCI Agent and Meade County Investigator about the incident.

Video Evidence

Video/audio recordings from the RCPD patrol car camera, and the RCPD Officer’s body-worn camera, captured the incident.

The video depicted the RCPD Officer following the white Nissan car and activating the emergency lights. As the white Nissan car began to pull over, a male exited the rear driver side door and ran from the scene.

The vehicle continued a short distance with the rear passenger door open before coming to a complete stop. As the RCPD Officer repositioned the patrol car a second individual, D.M., began exiting the white Nissan. The RCPD Officer exited the patrol car and unholstered their service handgun. The RCPD Officer instructed D.M. to “Stay in the vehicle” and to “Get in there”.

As the RCPD Officer was relaying the traffic stop location to dispatch, D.M. exited the vehicle with a bottle of Bombay Gin in his left hand and a shotgun in his right hand. D.M. pointed the shotgun in the direction of the RCPD Officer.

Immediately the RCPD Officer fired 7 rounds in the direction of D.M., striking D.M. one time. The round struck D.M. in the throat causing D.M. to drop to the ground. It should be noted, D.M. didn’t fire the shotgun.

The RCPD Officer relayed, “Shots fired,” to dispatch and requested assistance and asked for medical to respond “hot”. The RCPD Officer maintained visual on the white Nissan and D.M. until additional units arrived at the location and they were able to secure the other passengers in the vehicle.

After the scene was secure, the RCPD Officer rendered first aid to D.M. until the officer was replaced and removed from the immediate scene.

South Dakota Forensic Lab Testing

The South Dakota Forensic Laboratory conducted testing on the Rapid City Police Officer’s handgun. They concluded that the 9mm shell casings found on scene matched the RCPD Officer’s Glock 17, 9mm handgun.

The South Dakota Forensic Laboratory conducted testing on the 12-gauge shotgun D.M. possessed. They concluded the 12-gauge shotgun was functional and capable of firing.

Medical Reports and Criminal History

A drug screen and blood alcohol test were conducted on the Rapid City Police Officer with negative results.

Medical records obtained from Monument Hospital, indicated that D.M. had been shot one time. The round struck D.M. in the throat and exited between his shoulder blades.

A drug screen and blood alcohol test were conducted on D.M., results showed D.M. had methamphetamine, Amphetamine and Cannabinoid in his system and his blood alcohol content (BAC) was .158.

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. D.M. was a passenger in a car during a traffic stop, possessed a 12-gauge shotgun, failed to obey verbal commands and pointed the shotgun in the direction of the RCPD Officer. D.M. demonstrated the ability to use deadly force and was a clear and present danger to the RCPD Officer present at the scene. The RCPD Officer observed what the officer knew was a deadly weapon pointed in the RCPD Officer's direction.

It is the conclusion of this report and the Minnehaha County State's Attorney the RCPD Officer was justified in firing their weapon and using lethal force.

The DCI crime scene investigation and review of the videos are consistent with statements received from the RCPD Officer and other witnesses.