

Sioux Falls Police Department Officer Involved Shooting Summary Detailing Events That Took Place on September 19, 2022

On September 19, 2022, the Division of Criminal Investigation (DCI) was requested by the Sioux Falls Police Department to investigate an officer involved shooting that occurred near the intersection of North Astoria Drive and West Yukon Trail in Sioux Falls, S.D. During the encounter the suspect, who was a juvenile referred to as T.P., was contacted after calling into dispatch threatening violence. During the contact with law enforcement T.P. pointed a pistol at an officer. Subsequently T.P. was struck by a rifle round discharged by law enforcement that caused non-fatal injuries. The following is a summary of the events that occurred, and the results of the investigation conducted by the DCI.

911 Call

On September 19, 2022, at approximately 5:11 PM, the Sioux Falls Police Department was dispatched to 5905 West Whistler Court in Sioux Falls. A caller, later identified as T.P., contacted dispatch advising them of the following:

“Send a f*****g police car and a f*****g ambulance because I’m about to commit a felony.”

T.P. was asked what the phone number was he was calling from. T.P. responded, “I have no f*****g clue and I really do not give a s**t.”

T.P. stated, “(inaudible) suicide, I want to pop someone in the face and get shot.”

T.P. was asked why? T.P. responded, “I’ve f*****g had enough of this f*****g life.”

T.P. was asked if he had a gun with him. The sound of the cycling action of a shotgun is heard. T.P. responded, “Does that answer your question?”

T.P. was asked if that was a shotgun? T.P. responded, “What do you think?”

T.P. was asked what his name was. T.P. responded, “I’m not giving that f*****g information out (inaudible) die (inaudible).”

The dispatcher asked, “You want to do what?” T.P. responded, “I want to f*****g kill myself. I’ve been through enough s**t in my f*****g life.”

The dispatcher asked T.P. if there was anyone else around. T.P. stated, “Not that I f*****g know about. I hope to God no one is around (inaudible) home, shot in the f*****g face.”

T.P. was asked if he was at his home? T.P. responded, “No, it’s not my f*****g house.”

T.P. was asked who’s house it was? T.P. responded, “My ex’s.”

The dispatcher asked if he was at his ex’s house? T.P. responded, “Yeah, the person that f****d my life over, her parents did. Her parents f****d my life over in so many f*****g ways possible.”

The dispatcher again asked T.P. if there was anyone else with him? T.P. stated, “I don’t know if there’s anyone else there with me. No one has come outside yet. But if they come outside there’s going to be a shotgun in their f*****g hands (inaudible) ain’t gonna be me.”

T.P. abruptly ended the phone call.

Law Enforcement Response

Law enforcement began to arrive in the area at approximately 5:18 PM.

Responding law enforcement were also provided information that T.P. had previously been placed on an emergency mental health hold on September 8, 2022.

Officers initially began to respond to 5905 West Whistler Court, but quickly noticed a subject (later identified as T.P.) approximately one block to the northeast of the address. The subject was seen sitting on a bicycle and began to point a black pistol at law enforcement. Efforts were made to try and negotiate with T.P. but were unsuccessful. Less lethal munitions were also discharged at T.P. with little to no effect. T.P. then raised a black pistol with his right hand and pointed it at officers. A Sioux Falls Police Officer, referred to as the Principal Officer, then discharged one round from their duty issued .223 rifle. The round struck T.P., and he fell to the ground. Officers immediately approached and began to render medical aid.

Shooting Scene Investigation

The shooting scene was processed by the DCI. Video that captured the event as well as items of evidence were collected that corroborated officer statements.

A black pistol was recovered during scene processing. The pistol was then determined to be an air soft type pistol. This pistol can be seen on camera footage being raised and pointed at law enforcement. Upon inspection, the pistol was found to have an orange-colored tip on the muzzle.

Interview: Principal Officer

On September 22, 2022, a DCI Special Agent conducted an interview with the Principal Officer at the Sioux Falls Law Enforcement Center.

On Monday, September 19, 2022, the Principal Officer was working on patrol and assigned to a two-person vehicle with another officer. While at the Law Enforcement Center, the Principal Officer heard a weapons call being dispatched to 5905 West Whistler Court and began to respond. While traveling to the call, the Principal Officer (riding as the passenger) was receiving updates from dispatch on the radio and over their in-car computer.

The Principal Officer had learned that the caller was going to commit a felony, shoot somebody in the face and that the caller wanted to get shot in the face as well. Information was gathered that the caller was at his ex-girlfriend's house, but it was unknown if the caller was inside or outside of the above-mentioned address. Dispatch further advised they could hear what sounded like a shotgun being loaded or the action of a firearm being cycled by the caller. There was no physical description available for the caller.

When the Principal Officer arrived in the area, they stopped a few blocks away to meet with other officers responding to the call. At that time, the Principal Officer retrieved the in-car duty issued .223 rifle. While traveling to the address, the Principal Officer did notice a subject on a bicycle near the intersection of Astoria Drive and Yukon Trail. The subject on the bicycle was not known to be involved and was not yet identified at the time to be the suspect, T.P.

When the Principal Officer exited their patrol vehicle at West Whistler Court and Astoria Drive, they noticed a SFPD Sergeant stopped at the intersection with the male on the bicycle. The Sergeant was observed to have their duty pistol drawn and pointed toward T.P.

At that time, the Principal Officer and two other officers ran toward the SFPD Sergeant. The Principal Officer positioned near a tree to the west of T.P. and thought they might have an opportunity to use less lethal force and utilize a taser to subdue the subject. The Principal Officer could then hear the SFPD Sergeant yelling for T.P. to drop the weapon and to drop the gun. The Principal Officer knew they were too far for the taser to reach T.P. and that there was no protective cover for the officer(s). The Principal Officer then moved across the street on Astoria Drive to the SFPD Sergeant's patrol vehicle.

Once behind the patrol vehicle, the SFPD Sergeant continued telling T.P. to drop the weapon. The Principal Officer then noticed T.P. had a black handgun in their left hand and it was pointed away from officers at that time. The Principal Officer said negotiations with T.P. were unsuccessful. In an attempt to use less lethal force, the Principal Officer heard another officer discharge one less lethal round from their 40mm less lethal weapon at T.P.

The Principal Officer was unsure if the 40mm less lethal round had struck T.P. or not, as there was no observable physical reaction from it. After the less lethal round was discharged, T.P. appeared more agitated.

The Principal Officer then observed T.P. raise the pistol in his right hand across his body and point it toward the officers on scene. While this occurred, T.P. remained sitting on the bicycle with a foot on the bicycle's left foot pedal. The Principal Officer observed other officers appearing to take cover or duck behind a patrol vehicle when this happened.

The Principal Officer thought T.P. was going to shoot at them and other law enforcement. The Principal Officer was in fear for their life and the lives of the other officers on scene and therefore the Principal Officer discharged one round from a .223 rifle at T.P.

The Principal Officer thought the round struck T.P. in the ribs as he immediately fell to the ground with his back facing toward the officers. T.P. was laying on his left side while on the grass. No other rounds were fired because T.P. had fallen to the ground and was no longer pointing the gun at the Principal Officer and other law enforcement. After firing the patrol rifle, another officer fired one 40mm less lethal round at T.P.

The Principal Officer kept their rifle pointed at T.P. since the pistol T.P. was holding was not visible. While approaching T.P., officers were able to locate the pistol near T.P. and moved it away. Other officers administered medical aid to T.P. and called for an ambulance that transported T.P. to the hospital with non-fatal injuries. Once medical aid was being provided and the gun had been moved, the Principal Officer observed the black pistol that T.P. had pointed at law enforcement had an orange tip on the muzzle. Prior to that, the Principal Officer did not observe an orange tip on the gun or hear anything about the gun having an orange tip.

Interviews: SFPD Sergeant and Officers Present

On September 20th, 2022, a DCI Agent interviewed the SFPD Sergeant that initially contacted T.P. The SFPD Sergeant reported responding to a call for service in which the caller reported they were going to commit a felony, asked for the police and an ambulance, threatened to use a weapon against somebody and reported wanting to get shot in the face. Upon arrival in the

area, the SFPD Sergeant reported finding a subject on a bicycle. At this point, the SFPD Sergeant did not know the subject on the bicycle was the same person that had called the police. The SFPD Sergeant contacted the subject, later identified as T.P., and directed them to take shelter. It is at this point the SFPD Sergeant stated T.P. began swearing and pointed a handgun in the general direction of the SFPD Sergeant. The SFPD Sergeant retreated behind a patrol car and began giving loud verbal commands for T.P. to drop the weapon. The SFPD Sergeant stated that during the incident T.P. extended an arm and pointed a handgun at Officers. Through additional interviews and reports, additional Sioux Falls Police Officers in the area provided statements that are consistent with that of the SFPD Sergeant and the Principal Officer.

Video Evidence

Patrol vehicle video, officer worn body cameras and neighboring video surveillance were reviewed during this investigation. The following was clearly observed through audio and video recordings. When T.P. is initially contacted by law enforcement, they pointed a black pistol at one of the officers. The officer is observed retreating away from T.P. and taking cover behind a patrol vehicle. Loud verbal commands were heard being directed at T.P. to “drop the gun” and “I can help you through this” but, they did not comply. T.P. is observed to be holding a black pistol in their right hand. T.P. verbally responds to officers on scene stating, “I want to die” and “shoot me.”

While T.P. continued to hold the black pistol and was noncompliant, law enforcement fired one 40mm less lethal round at T.P. A few seconds after the less lethal round is fired, the principal officer discharges one round from their duty issued .223 rifle at T.P. causing T.P. to fall to the ground. Officers then move up to T.P. and find a black pistol on the ground that T.P. was holding. Officers then administer immediate medical aide.

The events recorded onto video and audio were consistent with the statements made from the principal officer and witness officers.

Firearm Examinations

The Principal Officer fired a duty issued .223 rifle one time. The magazine was originally loaded with 20 rounds, one of which was loaded into the chamber. There were 19 rounds remaining after the shooting.

The South Dakota Forensic Lab then conducted testing on the Principal Officer’s firearm. They concluded that the single shell casing found at the scene matched the duty weapon by caliber and type.

Medical Reports and Criminal History

Drug and alcohol tests were conducted on the SFPD Principal Officer which were negative for any drugs or alcohol.

A criminal history check on T.P. was also conducted. There was no previous criminal history for T.P. On September 8, 2022, T.P. was placed on an emergency mental health hold for suicidal statements and actions.

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 building. T.P. was non-compliant with

officers on scene. Officers on scene knew T.P. made statements about committing a felony and shooting people. The firearm can be seen being pointed at law enforcement while T.P. was on his bicycle. T.P. disobeyed orders to drop the weapon and ultimately pointed it at officers on two occasions. T.P. was threatening to use what was perceived as 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 the Sioux Falls Police Department Principal 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 Principal Officer.

Photo below.



The photograph above is a still shot from the SFPD Sergeant's body worn camera. The image shows T.P. on his bicycle near the intersection of North Astoria Drive and West Yukon Trail. T.P. is holding a black pistol they pointed toward the SFPD sergeant. Approximately 36 seconds later, T.P. again pointed the black pistol at law enforcement and was shot.