

HUGHES COUNTY  
**OFFICE OF THE STATE'S ATTORNEY**

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DCI REPORT RELEASED ON OCTOBER TASING INCIDENT

The Hughes County Office of the State's Attorney and the Pierre Police Department today jointly released the results of the independent investigation conducted by the South Dakota Division of Criminal Investigation into an October incident involving a Pierre Police officer tasing a juvenile.

Wendy Kloepner, Hughes County State's Attorney, stated that she was satisfied with the independent investigation, which found that the officer who tased the juvenile did not act unreasonably. Kloepner stated, "Given the circumstances facing the officer at the time, it appears from the report that deploying a taser was the best viable way to diffuse the situation."

Pierre Police Chief, Bob Grandpre, stated that this concludes his review of the incident. An earlier internal review by Chief Grandpre confirmed that the officers involved in the call had followed departmental policy and training.

Kloepner further stated that after a review of the report, no charges will be filed against either the officer or the juvenile.

A redacted copy of the report is attached. The names of the officers involved, the witnesses' names, the juvenile's name, and the names of the juvenile's parents have been obliterated in order to protect their privacy.

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Pierre Police Department Use of Force Summary  
October 4, 2013

On October 9, 2013 the SD Division of Criminal Investigation (DCI) began an investigation into the use of a Taser by a City of Pierre Police Officer upon an eight-year-old female. The child did sustain two small punctures to her chest from the Taser's probes. The officer was identified as Ofc. [REDACTED] and the child was identified as [REDACTED]. The incident occurred inside the home where the child lived with her mother and sister, at 2431 E. Sully Avenue, Pierre, SD. Following is a synopsis of the events that occurred on October 4, 2013 and the investigation that was conducted by the DCI.

Synopsis

On October 4, 2013 at approximately 8:56pm, the Central South Dakota Communications Center at the Solem Public Safety Building in Pierre, South Dakota received a 9-1-1 call for service. When the dispatch calltaker asked the caller what the emergency was, the caller, whom later identified herself as [REDACTED] said, "I have a child in my house that has a knife and won't put it down. She's threatening to kill herself. She's scaring me." [REDACTED] identified herself as the babysitter and eventually identified the child as [REDACTED]. When asked the child's age, [REDACTED] said she thought the child was 9 years old. [REDACTED] provided their address as "2421 E. Sully". During the 911 call, [REDACTED] said to the calltaker, "She won't put the knife down; she's going at herself with it." [REDACTED] also made the comment, "She's really scaring me. I can't get it away from her." During the call [REDACTED] can be heard telling [REDACTED] to put the knife down. When she said, "Give me the knife", [REDACTED] can be heard saying "no". Several times [REDACTED] asks or tells the child to put down the knife. [REDACTED] described the knife as being like a steak knife. At one point [REDACTED] said "[REDACTED] stop", then tells the calltaker, "She's trying to cut herself and stab herself." [REDACTED] is crying on the phone. When the calltaker asked [REDACTED], "Where is she trying to stab herself at?" [REDACTED] replied, "The leg, and she tried to say she's gonna slice her throat." The calltaker asked [REDACTED] for the names of the child's parents. [REDACTED] responded, "[REDACTED]". When asked, [REDACTED] said [herself and [REDACTED]] were in the kitchen. When asked if there was blood anywhere, [REDACTED] said "no". [REDACTED] then said, "Now she's got two knives." Apparently as a follow-up to the question about blood, the calltaker said, "So she hasn't actually..." To that [REDACTED] stated, "Not that I can see as, no, she's just threatening to. And she won't give up the knives. She's pointed it at me a few times but never actually came towards me with it. But I can't get them from her without her pointing them at me."

A CD containing the dispatcher and police radio transmissions was reviewed during this investigation. It revealed that at 8:58pm the police dispatcher directed Pierre Police Officer [REDACTED] to "2421 E. Sully" in reference to a female threatening suicide and holding a knife. Moments later Officer [REDACTED] informed dispatch that he was responding to the scene. Hughes County Deputy Sheriff [REDACTED] responded to the scene as well. At 9:01pm the dispatcher provided updated information to the responding units. The dispatcher said that the weapon was a steak knife, the subject was in the kitchen, the subject was a 9 year old girl and she "has tried to stab herself in the leg." The responding officers had no other additional information prior to making contact with the child.

After the officers and deputy arrived in the area, they were unable to locate the residence due to being provided an incorrect address. After consulting with the dispatcher the officers did identify

the correct trailer home at 2431 E. Sully Avenue. Although that time was not documented by radio traffic, [REDACTED] could be heard on the 9-1-1 recording calling out "down here" to the officers six minutes after she first called 9-1-1. That would have put their time of arrival at the trailer at about 9:04pm. At 9:06pm, Officer [REDACTED] requests via dispatch that an ambulance respond to the scene. At 9:11pm the ambulance arrived on scene. At 9:20pm the ambulance cleared the scene.

There were no radio transmissions describing what took place inside the residence between the officers and the juvenile.

The investigation revealed that two Pierre police officers and a Hughes county deputy sheriff did respond to a report of a suicidal female that was holding a knife. The dispatcher provided additional information to the responding officers, informing them that the weapon provided was a steak knife, the subject was in the kitchen, the subject was a 9 year old girl and she "has tried to stab herself in the leg." When the law enforcement officers made contact with the child in the kitchen of the residence, she was holding the knife to her chest. At least one of the officers spoke directly to the child, asking her to drop the knife and telling her things would be okay. The child was told to drop the knife several times but refused to do so. At one point she turned the knife and thrust it at Officer [REDACTED]. That officer continued speaking to the girl, telling her several times to drop the knife. The girl did not respond verbally but continuously shook her head "No". During the incident, the girl looked towards a hallway and then started to move towards it. Due to the circumstances, Officer [REDACTED] deployed his Taser at the girl as she went towards the hallway. That act caused the girl to release the knife and slide down the wall to the floor. Officer [REDACTED] did manually shut off his Taser in order to de-activate the Taser's charge into the child. He did not allow the charge to continue for five seconds, which is the run time before the Taser automatically shuts off. Two of the law enforcement officers checked on the girl immediately, one of them removed the Taser's probes from her chest. An ambulance was summoned to the scene. The ambulance personnel placed "Band-Aid's" on the puncture wounds caused by the probes. The child did not suffer any other physical injuries. The girl was transported to St. Mary's Hospital by a female officer. Another officer responded to the hospital and completed the "Petition for Emergency Commitment" affidavit.

Officer [REDACTED] was interviewed by the DCI. Officer [REDACTED] felt the use of the Taser was the best less-lethal option in this situation. Besides the Taser, Officer [REDACTED] was carrying "pepper spray" and a loaded handgun. Officer [REDACTED] believes that in his agencies "use of force continuum", the Taser would be considered the least intrusive of the three. Officer [REDACTED] said the amount of time that passed from when he entered the residence to the time he deployed his Taser at [REDACTED] was "a very short time". He added, "It all happened very quickly." He said he had to make a decision very quickly. When asked if he could estimate the amount of time, he thought it could have been between one and two minutes.

Hughes County Deputy Sheriff [REDACTED] was interviewed by the DCI. Deputy [REDACTED] estimated that the entire incident, from the time they entered the residence to the time Officer [REDACTED] deployed his Taser, was less than two minutes. He estimated the initial distance between the girl and Officer [REDACTED] to be about 8-10 feet. He described the distance between the knife blade and Officer [REDACTED], when the girl thrust it towards him, as "way too close". Deputy [REDACTED] is a firearms instructor, less-lethal products instructor and a certified Taser instructor. As a certified Taser instructor he has been taught to teach others in the proper use of the Taser. Deputy [REDACTED] said the Taser was the best option of the defensive weapons he carried because it was the "least invasive, less lethal option". He spoke about the potential consequences of

using the other defensive weapons. He said those other weapons would have likely caused more serious injuries to the child if used, including blunt trauma, internal injuries or broken bones. He said the Taser was even a safer, better option that attempting to physically grab the child. If they had attempted to physically control the girl, she could have stabbed herself or an officer. Because of their size and weight, if the officers had attempted to take the girl to the ground or wall with any amount of force, the girl could have sustained a broken bone or some other type of injury.

Pierre Police Officer ██████████ was interviewed by the DCI. Officer ██████████ estimated the initial distance between the girl and Officer ██████████ to be about 6-7 feet. She estimated the distance between the tip of the knife blade and Officer ██████████ when he stepped towards the girl and she turned the knife towards him, to be about 3 feet. Officer ██████████ estimated that it was about two minutes from the time she, Officer ██████████ and Deputy ██████████ entered the residence to the point when Officer ██████████ deployed his Taser. She described the amount of time as "very quick, very fast moving". Officer ██████████ believed that the use of the Taser was the best option of the lethal and less-lethal force options available.

██████████, the babysitter was interviewed. ██████████ felt the officers were handling the situation properly when they were talking to the child, prior to the Tasing. ██████████ believes that the use of the Taser would have been less harmful to the child than had the officer used a firearm, pepper spray or expandable baton. She agreed that if the officers had tried to grab the girl, either the girl or the officer could have gotten cut by the knife. She agreed that if the officers tried to tackle the girl, she could have suffered a broken bone. During the interview with ██████████ about the options the officers had at the time, ██████████ said, "I think that's probably why they chose the best option was to Tase."

### Investigative Results

The use of the Taser in this incident does not appear to be criminal in nature, it appears to be justified. This was a deadly force incident because the female had armed herself with a knife, threatened to kill herself and thrust the knife at a police officer. Unbeknownst to the law enforcement officers, prior to their arrival the girl had pointed the knife at her babysitter. The area in which this incident took place could be considered a confined space, the distance between the officers and the girl was about 6-8 feet but was shortened to about 3-4 feet at one point when an officer took a step towards the girl and she turned the knife and extended it towards him. The officers told the girl several times to put the knife down. They attempted to reason with her, telling her everything would be okay and that it was not safe for her to have the knife. The girl was non-compliant. When being asked or told to do something, she resisted by shaking her head "No" and failing to drop the knife. The incident was rapidly evolving, the officers estimated that only about two minutes transpired from when they entered the residence to the point the Taser was deployed. It was only when the girl attempted to run down a hallway that the officer deployed his Taser at her. The officer's had no idea if there were any other children or other weapons down that hallway. There was an exit door down the hallway. Allowing the girl to run down the hallway could have presented other dangers. The other force options available to the officers were their firearms, OC spray, and collapsible metal batons. As well they could have attempted to physically tackle the girl and try to disarm her. All three law enforcement officers believed that the use of the Taser was the best less-lethal option and the other options could or would cause more serious injury to the child or themselves if deployed. The use of the Taser was not an unreasonable option in this tense situation.