



NEWS RELEASE

Marty J. Jackley
South Dakota Attorney General

Charles McGuigan
Chief Deputy Attorney General

FOR IMMEDIATE RELEASE: Friday, May 26, 2017

CONTACT: Sara Rabern (605) 773-3215

Attorney General's Office Releases Officer Involved Shooting Summary

PIERRE, S.D. – Attorney General Marty Jackley and the Division of Criminal Investigation today released the summary into the shooting of Tim Holmgren, on April 27, 2016, in Rapid City, South Dakota.

The incident occurred on April 27, after Rapid City/Pennington County Special Response Team and the SD Highway Patrol Swat Team responded to a barricaded resident at an apartment complex located at 1751 Harmony Heights Lane in Rapid City.

"It is my conclusion as Attorney General that Trooper Michael Dale was justified in firing his weapon and using lethal force. I would like to thank the South Dakota Highway Patrol and Trooper Dale for their service and complete cooperation in this investigation and extend my condolences to the family of Tim Holmgren," stated Attorney General Jackley.

South Dakota Highway Patrol Shooting Summary Detailing Events That Took Place on April 27, 2017

On 04-27-17, the South Dakota Division of Criminal Investigation (DCI) was called by the South Dakota Highway Patrol to conduct an investigation into an officer involved shooting that occurred at 1751 Harmony Heights Lane, Rapid City, SD. The shooting resulted in the suspect, Tim Holmgren, being shot multiple times. Holmgren died as a result of his injuries. The South Dakota Highway Patrol Trooper involved in the shooting was Trooper Michael Dale. The following information is a synopsis of the events that occurred on 04-27-17, and the investigation that was conducted by the South Dakota DCI.

Synopsis

At approximately 1:34 PM on 04-27-17, Officer Allen Nelson from the Rapid City Police Department responded to 1751 Harmony Heights Lane, Apartment #105, to speak to Tim Holmgren. Holmgren had called dispatch, requesting to speak specifically with Officer Nelson because of a rapport Holmgren had developed with Officer Nelson on a call for service two days earlier. Officer Nelson had responded to Holmgren's apartment on 04-25-17, on a call for service to perform a welfare check on Holmgren.

Officer Nelson approached the apartment building and made contact with Holmgren through an open window on Holmgren's ground floor apartment. Officer Nelson noticed that Holmgren had a cell phone in his right hand and a beer can in his left hand. Officer Nelson spoke to Holmgren briefly, noticing that Holmgren's speech was slurred. Officer Nelson could also smell the odor of an alcoholic beverage coming from inside the apartment.

Holmgren told Officer Nelson that he wanted to show Officer Nelson something. Holmgren's right hand disappeared from view below the ledge of the window sill. Holmgren then raised his right hand. Officer Nelson noticed that Holmgren had a black handgun in his right hand. Holmgren pointed the handgun directly at Officer Nelson's torso. Officer Nelson sought protective cover as Holmgren continued to point the handgun at Nelson.

Officer Nelson continued talking to Holmgren from a position of cover. Holmgren made a comment that the standoff was going to be, "just like San Bernardino". Holmgren commented that Officer Nelson knew what that meant. Officer Nelson told Holmgren that he did not want to hurt Holmgren. Officer Nelson gave Holmgren multiple commands to throw the gun out the window but Holmgren failed to comply.

Officer Nelson maintained view of Holmgren, from cover, while other officers arrived. While maintaining visual contact with Holmgren, Officer Nelson saw Holmgren with his hand on the handgun and his finger in the trigger guard.

Other law enforcement officers arrived on scene and established a perimeter. Officers on scene said that they saw Holmgren waving a handgun outside his ground floor apartment window. At times, Holmgren had his finger inside the trigger guard. At other times, Holmgren did not.

The Rapid City Police Department/Pennington County Sheriff's Office Special Response Team was summoned and arrived on scene.

A crisis negotiator made contact with Holmgren. The crisis negotiator witnessed Holmgren display a black colored handgun outside his ground floor apartment window. Despite the crisis negotiator's efforts to resolve the situation, Holmgren refused to exit his apartment. Holmgren told the crisis negotiator that he had several "devices" inside his apartment and that his door and windows were, "wired". Holmgren was making references to possessing an explosive device.

At approximately 5:06 PM, the RCPD/PCSO Special Response Team, supported by members of the South Dakota Highway Patrol, positioned an armored vehicle in front of Holmgren's apartment. A pre-recorded message was played through a speaker system mounted on the armored vehicle. The message clearly and loudly requested that Holmgren exit his apartment.

Trooper Michael Dale was positioned on top of the armored vehicle. Trooper Dale saw Holmgren in the window with a handgun in his right hand. Holmgren pointed the handgun in the direction of Trooper Dale and other law enforcement personnel who had accompanied the armored vehicle. Trooper Dale fired his duty rifle seven times, striking Holmgren.

The Special Response Team made entry into Holmgren's apartment. No other individuals were present. Medical personnel who were already on scene immediately attended to Holmgren. Holmgren was pronounced dead at the scene.

Trooper Michael Dale was contacted by DCI Agents. A DCI Agent documented that Trooper Dale was wearing his state issued tactical uniform. His duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- Trooper Dale's Colt AR patrol rifle contained 29 rounds in the magazine, and one round in the chamber.
- Trooper Dale's duty handgun was not used.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by Trooper Dale and witnesses present at the time of the shooting. Specifically, there were seven spent .223 caliber shell casings found on scene. The location and caliber of the shell casings were consistent with the shooting scene investigation. Another magazine containing twenty .223 caliber rounds was recovered inside the armored vehicle along with one unspent .223 caliber round.

A black colored CO2 cartridge pellet handgun was found on a chair near the apartment window where Holmgren was standing. Three fixed blade knives and a straight razor were found on Holmgren's person. Various remote control type devices with antennas, taped together, were found inside the apartment. No actual explosive devices were found.

Interview of Trooper Dale

On 04-28-17, DCI Agents interviewed Trooper Dale. During this interview, Trooper Dale said that he was on duty with the South Dakota Highway Patrol on 4-27-17 traveling on I-90. He heard radio traffic from RCPD Dispatch referencing a weapons call at 1751 Harmony Heights in Rapid City. Trooper Dale said that he pulled over in a parking lot and put on his marked tactical gear. Trooper Dale said that he traveled to the scene and made contact with command personnel with the Rapid City Police Department. Command personnel from the RCPD advised that a male subject had barricaded himself in his ground floor apartment. This barricaded subject was armed with a handgun and had pointed the gun at an RCPD Officer. One of the RCPD Officers on scene had also said that the male subject possibly had explosives.

Because of his SWAT experience, Trooper Dale was asked to support the RCPD/PCSO Special Response team. Trooper Dale said that he took a position on top of the armored vehicle. A plan was made to pull the armored vehicle up to the apartment window, where Holmgren was seen with the gun, to provide cover to the adjacent apartment complex from any potential gunfire from Holmgren. The armored vehicle was also used to entice Holmgren to exit the apartment peacefully. A pre-recorded message was played through a speaker mounted on the armored vehicle requesting Holmgren to exit his apartment. Holmgren did not comply.

Trooper Dale said that when the armored vehicle pulled up near Holmgren's apartment, he could see a black colored handgun with a shiny breach protruding from the window. Law enforcement officers who approached the apartment on foot along with the armored vehicle had called out that Holmgren was pointing a gun at them. Trooper Dale said that he did not initially engage Holmgren because even though Dale could see the gun in Holmgren's hand, Holmgren was not pointing it at Dale. Because Trooper Dale was providing rifle cover on top of the armored vehicle, Dale could not see the officers' positions below him.

Trooper Dale said that Holmgren then raised the gun and pointed it directly at him on the armored vehicle. Because the gun was pointed directly at him, Trooper Dale said that he fired his duty rifle multiple times until the threat disappeared. Trooper Dale said that he replaced the magazine in his duty rifle with a fresh magazine.

Trooper Dale explained that he felt he had no other option but to use deadly force. He was concerned for his own safety because Holmgren had pointed the gun directly at him. Trooper Dale said that he was concerned for the safety of the individuals in the apartment complex who were potentially exposed to gunfire from Holmgren. He was also concerned for the safety of the other law enforcement personnel who had accompanied the armored vehicle to the apartment who were left exposed.

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

Witness Interviews

A witness who lived in the building directly across from Holmgren said he was present during the shooting. The witness said that he could see a male, identified as Holmgren, in the window across from his apartment. Holmgren was holding what appeared to be a radio controlled car controller. It appeared to be a two-handed joystick type controller with an antenna. The witness said that he saw Holmgren put the device down and he never saw it again.

The witness said that later, he saw Holmgren with what looked like a black colored, semi-automatic handgun in his right hand. Holmgren had his finger in the trigger guard. The witness said that Holmgren had the handgun in his right hand the entire time he saw Holmgren. The only time Holmgren put the gun down was when Holmgren went to get another beer. The witness said that he saw that Holmgren was drinking Budweiser beer and would prop the gun up against the window for 10 minutes at a time.

The witness said that he saw the law enforcement armored vehicle pull up between the two apartment buildings. The witness said that he saw Holmgren in front of the window with the handgun in his right hand. The witness heard one of the law enforcement officers say, "He's got a gun."

The witness said that he then saw Holmgren point the handgun in the direction of the armored vehicle. The witness heard several gunshots and saw Holmgren fall.

A witness from the same apartment building as Holmgren said that she saw the interaction between the Rapid City Police Officer and Holmgren. This witness said that she saw Holmgren with a gun and immediately called 911. The witness said that the windows to her apartment were open so she could hear some of the verbal exchange take place between Holmgren and law enforcement. During one exchange, Holmgren told law enforcement that they were going about it all wrong and that law enforcement should shoot him.

The witness said that, after the armored vehicle arrived near the apartment, she could hear the loudspeaker loudly command Holmgren to come out with his hands in the air. A short while later she heard several gunshots.

Another witness who was evacuated from the building told responding officers that he saw a male in the apartment complex with a gun.

Video Evidence

A witness from the apartment complex, directly across from Holmgren's apartment, video recorded the incident. The video clearly depicted Holmgren with a black colored handgun in his right hand. Holmgren

was seen, during the course of the standoff, waving the gun back and forth outside his apartment window.

The video captured the armored vehicle pull up across from Holmgren's apartment. Law enforcement personnel accompanied the armored vehicle on foot. A voice from a loudspeaker on the armored vehicle clearly commanded Holmgren to exit his apartment with his hands in the air.

The video captured Holmgren in the ground floor apartment window with a gun in his hand. Holmgren then raised the gun and pointed it in the direction of Trooper Dale on the armored vehicle. As Holmgren raised the gun and pointed it toward the armored vehicle and law enforcement personnel, Trooper Dale fired his duty rifle a total of seven times.

South Dakota Forensic Lab Testing

The South Dakota Forensic Lab conducted testing on Trooper Dale's duty rifle. They concluded that all seven of the shell casings found on scene matched Trooper Dale's duty rifle.

Medical Reports and Criminal History

A drug screen and blood alcohol test was conducted on Trooper Dale with negative results.

During the autopsy of Tim Holmgren, DCI Agents documented that Holmgren had been shot at least six times. Multiple fragmented rounds were recovered from Holmgren's body. Toxicology results showed that Tim Holmgren had numerous prescription drugs in his system. Holmgren's blood alcohol content (BAC) was .094% .

DCI conducted a criminal history check on Tim Holmgren. Holmgren had no prior criminal history.

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. Holmgren possessed a handgun and potential explosives. Trooper Dale observed what he believed to be a deadly weapon pointed at him by Holmgren. Holmgren appeared to have the means and opportunity to use deadly force and was a clear and present danger to Trooper Dale and other law enforcement at the time.

It is the conclusion of this report and the Attorney General that South Dakota Highway Patrol Trooper Michael Dale was justified in firing his weapon and using lethal force.

The DCI crime scene investigation and review of the video are consistent with statements received from Trooper Dale and other witnesses.