

**PRELIMINARY REPORT
SHOOTING INCIDENT
MARCH 9, 2003**

As the result of an officer involved shooting in Rapid City, South Dakota, on Sunday, March 9, 2003, the Rapid City Police Department requested the South Dakota Division of Criminal Investigation (DCI) to conduct an investigation. DCI, assisted by the Pennington County Sheriff's Office, immediately began an investigation into the shooting. Over 30 people have been interviewed thus far, as part of the investigation. The DCI assigned ten agents, three lab staff and two support staff to conduct the investigation. In addition the Pennington County Sheriff's office assigned ten staff members to assist in the investigation. The large number of resources dedicated to the investigation allowed for the timely manner in which the investigation was done. A preliminary autopsy report has been received but a final report will await some toxicology results. Otherwise, the investigation is nearly complete. The evidence gathered so far allows DCI to reach the following preliminary conclusions.

SUMMARY

A male identifying himself as Luke Ghost Bear called the Rapid City/Pennington County Dispatch Center on March 9th at 8:54 AM to report an intoxicated unwanted person at 1721 North

Maple Unit E-43, Rapid City, South Dakota. The description Ghost Bear gave of this unwanted person actually fit Ghost Bear. A few minutes later Ghost Bear then placed a second call to the Dispatch Center to again report the information. After making the telephone call Ghost Bear told a witness something to the effect of "when the cops arrive we are going to get it on".

Rapid City Police Officer Marc Black arrived at the apartment complex at 9:10 AM and was met in the parking lot by a witness that said Ghost Bear had a knife. Officer Black was then confronted by Ghost Bear in front of Unit E-43. Officer Black saw the knife in Ghost Bear's hand and ordered him to drop the knife. Ghost Bear refused. Officer Black began to back up and was pursued by Ghost Bear. After backing up about 25 yards, Officer Black was able to separate himself from Ghost Bear by standing behind his patrol car. Ghost Bear used his fist to shatter the window of Officer Black's patrol car. As the incident was unfolding, two separate eye witnesses called the Dispatch Center and to report that the officer needed help.

Officer Black used his pepper spray on Ghost Bear several times during the confrontation, but it did not deter Ghost Bear. During this incident Officer Black gave Ghost Bear many commands to drop the knife, but Ghost Bear refused. After breaking the window of the patrol car, Ghost Bear then turned and went up to the front door of unit E-47. Ghost Bear begin pounding on the

door in an attempt to get into the apartment. Officer Black ordered the occupants to not open the door, again ordered Ghost Bear to drop the knife and again attempted to pepper spray him. With the knife in his hand, Ghost Bear jumped off the porch and lunged at Officer Black, at which time Officer Black fired three shots; all three shots struck Ghost Bear. Distance between Officer Black and Ghost Bear at the time of the shooting was estimated at 8 - 10 feet. Officer Black was concerned about the safety of the people in the apartment as well as his own safety when he fired the shots at Ghost Bear.

The autopsy results show that Ghost Bear died as a result of a gunshot wound to the chest. The blood alcohol tests show Ghost Bear had a blood alcohol content (BAC) of .22. The investigation disclosed that Ghost Bear had been drinking heavily and was suicidal for the last month. Ghost Bear had recently made both verbal and written suicidal comments to people. When Officer Black was ordering Ghost Bear to drop the knife, Ghost Bear responded several times by saying "Just shoot me, I don't have anything to live for."

At least six eye witnesses corroborate the actions and statements of both Ghost Bear and Officer Black. At the time of the shooting, an eyewitness was on the phone to the police, telling them that their officer needed backup. During the call, the dispatcher could hear the officer in the background,

commanding Ghost Bear several times to drop the knife, and then the sound of three shots being fired. This call is on tape. About 3 minutes elapsed from the time Officer Black arrived until the shots were fired.

Officer Black is a nine year veteran of the Rapid City Police Department. During that time, DCI has been unable to locate any instances of any excessive force complaints made against him. The investigation determined that Officer Black followed Rapid City Police Department policy with regards to use of force, and used lethal force as his last option. Because Ghost Bear called the police himself; was drinking and suicidal; called the police a second time to make sure that officers were on the way; refused to put down the knife; advanced on the officer despite numerous warnings; ignored non-lethal methods such as pepper spray; presented a potential danger to the residents of another apartment; told an eyewitness that he and the police would "get it on;" and because the officer repeatedly backed up or pepper sprayed the individual before finally resorting to lethal force, this shooting was justified and likely unavoidable. The officer was unknowingly drawn into a situation whereby Ghost Bear would force him to use lethal force.

We thank the family of the deceased, and all of the eyewitnesses, for their candid and complete cooperation in this

investigation. Finally, we conclude that Officer Black tried every method he could think of, given the situation he was drawn into, to avoid the use of lethal force and get Ghost Bear to put the knife down. Our office would like to convey its sympathy to all those impacted by this incident.