

**OFFICE OF ATTORNEY GENERAL
INVESTIGATION AND REPORT
ON OFFICER INVOLVED SHOOTING
(Trenton Elliott 05-28-04)**

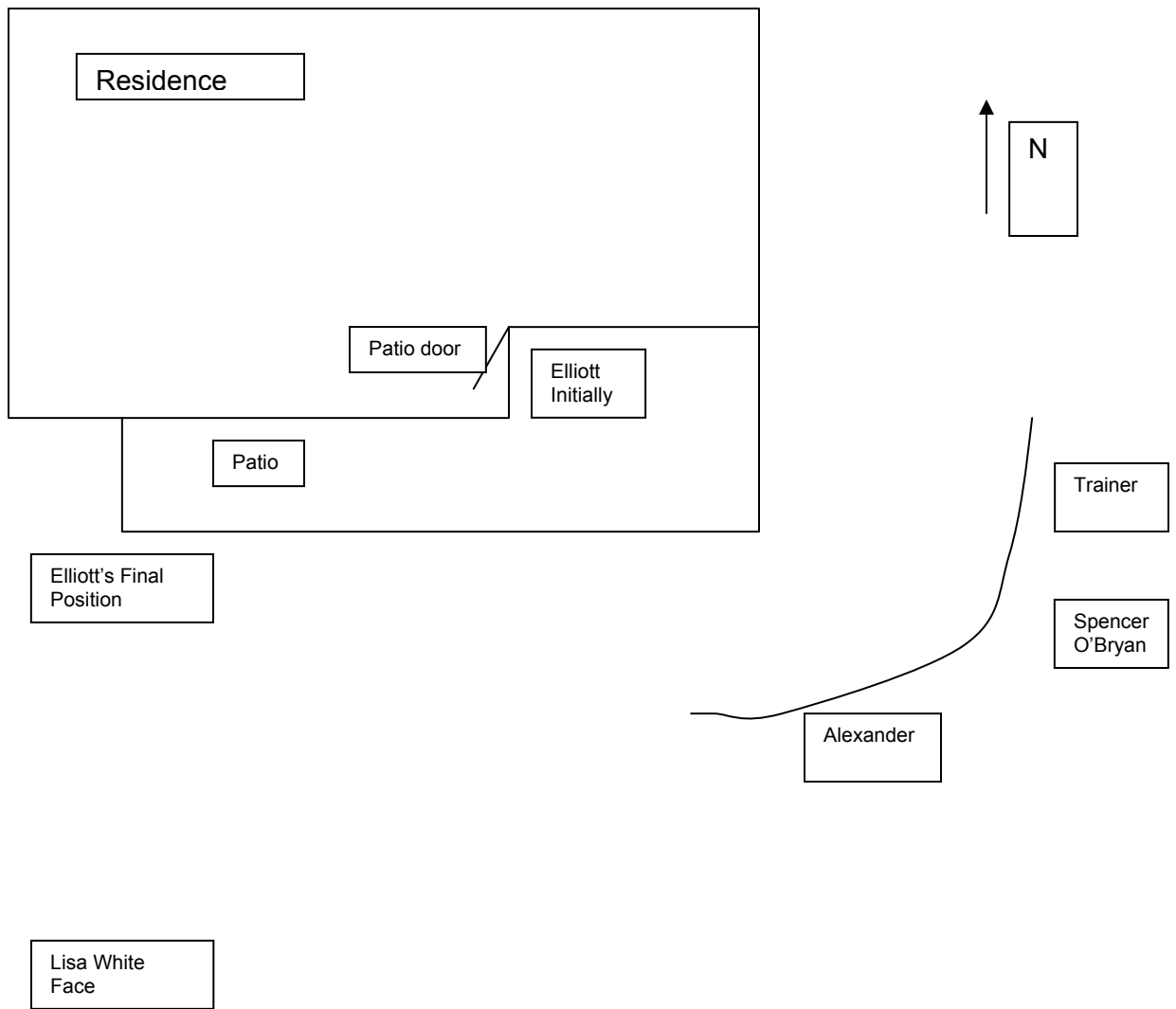
The South Dakota Division of Criminal Investigation (DCI) was asked by the Rapid City Police Department to conduct an inquiry into an officer involved shooting at 3118 Glenwood Drive in Rapid City, South Dakota, on the evening of May 28, 2004. DCI began the investigation immediately. The scene was immediately secured. The house and surrounding area was searched and processed for evidence. Approximately forty interviews have been conducted with participants and eye witnesses. Those interviews have now been completed except as noted in the summary. The suspect, Trenton Wayne Elliott, D.O.B. 4/27/84, also of 3118 Glenwood Drive, Rapid City, South Dakota is alive and presently a patient at the Rapid City Regional Hospital. Criminal charges against Elliot are pending with the Pennington County State's Attorney's Office. The evidence gathered to this point indicates the following:

SUMMARY

At approximately 8:11 p.m. on 5-28-04, Rapid City Police Dispatch received a call from the 3200 block of Park Drive, Rapid City. The caller said that they had heard "gunshots" and windows breaking at a house up the hill on Glenwood Drive. Rapid City Police Officer Higgins was the first of several officers to arrive at the scene. Officer Higgins arrived at about 8:21 p.m. and took up a position in the front (north) of the residence and reported he also heard a gun shot. As other officers arrived on scene a perimeter was set up around the residence. Officers were stationed on all sides of the

residence. The sun was setting, but the scene was still illuminated by natural light.

Four officers were eventually involved in the shooting: namely Officer Jeff Alexander, Officer Dan Trainer, Officer Spencer O'Bryan, and Officer Lisa Whiteface. Officer Alexander took up a position on the south east corner of the residence with cover behind a low rock/concrete wall. Officers Trainer and O'Bryan were directly east of the residence concealed behind some vegetation. Officer WhiteFace was facing the southwest corner of the residence with cover behind a tree and a hill which descends off the west side of the residence.



Sgt. Rich Fox was the officer directing law enforcement at the scene, although he did not discharge his weapon. After the perimeter had been established, Sgt. Fox attempted to make contact with anyone in the residence. Sgt. Fox tried to make contact via telephone inside the house, but the line was busy. He asked dispatch to have a telephone operator break through the busy signal, but that effort was also unsuccessful. Sgt. Fox then directed Officer Alexander, who had a good view of the patio door, to try to make verbal contact with anyone in the house. He initially did not get a response, but ELLIOTT soon

came to the patio door on the south east corner of the residence armed with a shotgun. Elliot was wearing a t-shirt but was otherwise completely naked. Several times Alexander ordered Elliot to "put the gun down" but Elliot refused. Alexander told ELLIOTT that the police wanted to "keep things safe" and "talk things out" so the situation could be resolved peacefully. ELLIOTT responded that he wanted to talk to his parents. ELLIOTT then returned into the house but continued to talk to Alexander through an open basement window. ELLIOTT told Alexander that his parents were out of town but refused to provide their location or a phone number where they could be reached. At this time, ELLIOTT had the barrel of the shotgun stuck out the window. He also told Alexander through the window "you are the officer that gave me that citation a week ago that started all of this" and "you are gonna have to shoot me. I'm gonna make you shoot me!!" Officer Alexander advised that ELLIOTT did not seem upset or angry, but just seemed, as Officer Alexander described it "determined".

ELLIOTT then disappeared from the basement window and shortly came back outside onto the patio deck. He was again holding the shotgun. Alexander again directed him to put the gun down and he responded "you are going to have to shoot me!" Alexander replied that the police did not want to shoot him and wanted to work this out peacefully. Elliot then brought the shotgun to his shoulder and pointed it directly at Officer Alexander. Officer Alexander advised that Sgt. Fox told him "don't shoot". Sgt. Fox ordered all officers not to fire unless they were fired upon. ELLIOTT then reentered the residence again. He soon came out of the residence the final time and spoke to one of the other officers, (likely Officer Trainer). He told the officer

that he could see him and said that he was "going to shoot him". ELLIOTT then aimed the shotgun and fired at the officer.

Officer Alexander, Officer Whiteface and Officer Trainer all returned fire. ELLIOTT was knocked to the ground by the initial volley of gun shots, but quickly regained his feet. Officer Trainer attempted to get between ELLIOTT and the shotgun which was lying on the ground approximately 5-10 feet from ELLIOTT. Trainer ordered ELLIOTT to stay down but ELLIOTT refused and attacked Trainer. Trainer struck ELLIOTT with his pistol causing it to discharge. The round did not hit anyone. ELLIOTT broke free from Trainer and regained control of the shotgun when all 4 Officers again fired on ELLIOTT. ELLIOTT dropped the shotgun and staggered to the west where he fell and was secured and controlled by the Officers. The ambulance was immediately called. The call was placed at 8:35 p.m.

ELLIOTT fired one round at the officers. The four officers expended 24 rounds of return fire. ELLIOTT was hit about four times, once in the wrist and three times in the lower trunk area.

ELLIOTT told the ambulance personnel that he was trying to kill himself. The paramedic asked ELLIOTT if he was trying to get the Officers to shoot him and ELLIOTT advised that he was and shot over their heads.

Interviews were conducted with several of ELLIOTT'S friends and acquaintances. Several individuals indicated that ELLIOTT has been a heavy marijuana user and over the past year has experimented with cocaine, ecstasy, psilocybin mushrooms, and opium. Witnesses reported that ELLIOTT told them he was

planning to use mushrooms on this weekend while his parents were out of town. Some family members have not been interviewed by request of their attorney.

Toxicology tests confirm that ELLIOTT had recently been using marijuana. The test results were negative for psilocybin mushrooms (an hallucinogenic). However, psilocybin is quickly metabolized in the body and will not show up on toxicology screens if the time between ingestion and testing is extended. Examination of the house disclosed a substantial amount of destruction, especially broken glass. No evidence of a gunshot inside the residence was found, but a large piece of crystal had been thrown into the face of the large screen television. The broken tube would have caused a loud report.

CONCLUSION

This office concludes that the police officers involved acted appropriately and that the shooting was justified. The reported "gunshot" was likely the sound of the breaking t.v. screen.

The officers tried to contact ELLIOTT through phone and made direct contact. The police used appropriate requests and orders to ELLIOTT to resolve the situation without violence, but ELLIOTT refused.

ELLIOTT fired upon the officers, who returned fire and wounded ELLIOTT. The officers then tried to subdue ELLIOTT with less than deadly force, but again ELLIOTT refused and regained possession of his shotgun. Only then did the officers fire a second volley which inflicted wounds sufficient to subdue ELLIOTT.

Many witnesses indicated that ELLIOTT'S conduct on May 28th was out of character and that he must have been under the influence of some drug to have fired on the police. Elliott's conduct was consistent with those witness reports. This incident appears to be another example of the cost to the Elliott family and to society caused by abuse of illegal drugs.