

## **Hot Springs Police Department Shooting Summary Detailing Events That Took Place on June 22, 2016**

On 06-22-16, the South Dakota Division of Criminal Investigation (DCI) was called by the Hot Springs Police Department to conduct an investigation into an officer involved shooting that occurred in the 300 block of North 22<sup>nd</sup> Street in Hot Springs. The shooting resulted in the suspect, Dylan Huff, being shot two times. Huff survived his injuries. The Hot Springs Police Officer involved in the shooting was Officer Kyle Maciejewski. The following information is a synopsis of the events that occurred on 06-22-16, and the investigation that was conducted by the South Dakota DCI.

### **Synopsis**

On 06-22-16, at approximately 1:04 AM, Hot Springs Police Officers, Kyle Maciejewski and Justin Evans were dispatched to 346 N. 22<sup>nd</sup> Street, Hot Springs for a report of an uncontrollable male. A female 9-1-1 caller reported that Dylan Huff was out of control and tried to choke her. The caller said that she did not know what Huff might do. The caller advised dispatch that they should send two (2) officers, because Huff was out of control.

At approximately 1:09 AM, Officers Maciejewski and Evans arrived on scene. They met with the victim outside the residence. The victim told the officers that she and Dylan Huff had gotten into an argument earlier in the evening. During the argument, Huff put the victim in a choke hold. The victim said that Huff took her to the ground and choked her.

Officers Maciejewski and Evans attempted to make contact with Huff by knocking on doors to the residence, but were unsuccessful. The officers returned to the street to speak further with the victim. While speaking to the victim, Huff exited the residence with a knife in his right hand. Officers Maciejewski and Evans identified the knife in Huff's right hand by utilizing their duty flashlights. Huff walked toward the Officers on the street.

Officers Maciejewski and Evans drew their duty weapons and loudly told Huff to drop the knife. Huff refused to drop the knife and continued advancing toward the Officers. Officers Maciejewski and Evans retreated by walking backwards down N. 22<sup>nd</sup> Street, with their handguns drawn. The Officers gave Huff multiple loud commands to drop the knife. Huff refused those commands. As Huff continued advancing toward the Officers, Officer Maciejewski, in fear for his and Officer Evans' safety, fired his duty weapon two (2) times, striking Huff. As the Officers approached Huff, Officer Evans kicked the knife out of Huff's proximity.

Officer Maciejewski immediately radioed for medical personnel to come to the scene. Officer Maciejewski rendered first aid to Huff until medical personnel arrived. Huff was later transported to Rapid City Regional Hospital for his injuries.

DCI Agents made contact with Officers Maciejewski and Evans. The DCI Agents documented that Officers Maciejewski and Evans were wearing their issued Hot Springs Police Department uniforms.

Officer Maciejewski's duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- Officer Maciejewski's 9MM Glock handgun contained fifteen (15) rounds in the magazine and one (1) round in the chamber.
- Officer Maciejewski had two spare magazines. One magazine contained 17 rounds. The other spare magazine contained 15 rounds.

Officer Evans' duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- Officer Evans' 9MM Glock handgun contained eighteen (18) rounds in the magazine and one (1) round in the chamber.
- Officer Evans had two spare magazines. One magazine contained 16 rounds. The other spare magazine contained 17 rounds.

#### **Review of Officer Maciejewski's Body Camera Video/Audio**

Officer Maciejewski's body camera video captured the Officers' contact with the victim and the incident with Huff. While Officers Maciejewski and Evans were speaking with the victim on the street just outside the residence, Huff exited the residence and began walking toward the Officers. Officer Evans almost immediately recognized something in Huff's hand and asked, "What's in your hand Dylan. Put it down."

Officer Maciejewski loudly told Huff to, "Put it down."

The body camera captured Huff continuing to advance toward the Officers on the street, with a knife in his right hand. Officers Maciejewski and Evans, loudly and clearly commanded Huff to drop the knife, while retreating in a backwards fashion. Officers Maciejewski and Evans gave Huff more than 15 commands to drop the knife.

Huff refused to drop the knife and made the comment that the Officers were going to have to kill him. Huff continued walking toward the Officers. Officers Maciejewski and Evans continued to retreat and commanded Huff to drop the knife. As Huff continued advancing toward the Officers, Officer Maciejewski fired his duty weapon two (2) times. Review of crime scene documentation, interviews and recordings, indicated that Huff was within approximately 8-10 feet of Officers Maciejewski and Evans.

#### **Shooting Scene Investigation**

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by Officer Maciejewski, Officer Evans, and video obtained from Officer Maciejewski's

body camera. Specifically, there were two (2) spent 9MM caliber shell casings found on the street. The location and caliber of the shell casings were consistent with the shooting scene investigation.

A military style Ka-Bar knife was found on the street. The knife blade was approximately 6-8 inches long and was black in color. The location of the knife was consistent with the shooting scene investigation.

During a search of Huff's residence, DCI Agents recovered a leather knife sheath. The sheath was consistent with an accessory typically utilized to contain the knife recovered at the scene.

The South Dakota Forensic Lab conducted tests on Officer Maciejewski's firearm. They concluded that both of the shell casings found at the scene matched Officer Maciejewski's handgun.

### **Interview of Officer Maciejewski**

On 06-22-16, a DCI Agent interviewed Officer Maciejewski. During this interview, Officer Maciejewski said that he was working his scheduled patrol shift for the Hot Springs Police Department. At approximately 1:00 AM on 06-22-16, he and Officer Justin Evans were dispatched to 346 N. 22<sup>nd</sup> St., following a 9-1-1 call, for a report of a male who was out of control.

Officer Maciejewski said that he and Officer Evans arrived on scene and met with the victim on the street, outside the residence. Officer Maciejewski said that the victim reported that Dylan Huff had choked her. Officer Maciejewski said that the victim told them that Huff had placed her in a choke hold. The victim said that Huff took her to the ground and choked her.

Officer Maciejewski said that he and Officer Evans approached the house and attempted to make contact with Huff. They knocked on multiple doors, but got no response. Officer Maciejewski said that he and Officer Evans went back out onto N. 22<sup>nd</sup> Street to speak to the victim in more detail. While speaking with the victim, Huff exited the residence.

Officer Maciejewski said that Huff exited the residence from the south door and began walking toward them. Officer Evans noticed something in Huff's hand and asked Huff about it. Officer Maciejewski said that he then noticed a knife in Huff's right hand. Officer Maciejewski described the knife as a large sized knife, black in color. Officer Maciejewski said that he and Officer Evans drew their duty weapons as Huff started coming straight toward them.

Officer Maciejewski said that he gave Huff multiple, loud, verbal commands to drop the knife. Officer Maciejewski said that Huff refused to drop the knife. Huff gained ground on Officer Evans and him while they retreated down the street. Officer Maciejewski said that Huff got to within range where he felt Huff could stab either him or Officer Evans. It would have taken very little for Huff to go from a fast walk to a run and get on top of them.

Officer Maciejewski said that he felt his and Officer Evans' lives were in jeopardy. Officer Maciejewski said that he fired his duty weapon two (2) times. Officer Maciejewski said that he believed he had no

other options. He was afraid for his safety and the safety of Officer Evans. Officer Maciejewski said that he felt deadly force was the only option he had. Huff was in range of being able to stab either him, or Officer Evans.

### **Interview of Officer Evans**

Officer Justin Evans of the Hot Springs Police Department said that he and Officer Maciejewski were dispatched to 346 N. 22<sup>nd</sup> St., for a report of an uncontrollable male. They arrived on scene and met with the victim on the street, outside the residence. The victim told them that she had been choked by Dylan Huff, but managed to escape the residence.

Officer Evans said that he and Officer Maciejewski attempted to make contact with Huff inside the residence, but were unsuccessful. Officer Evans said that they went back to the street and spoke further with the victim. While speaking with the victim, Huff exited the residence from the south door.

Officer Evans said that Huff started walking toward them. Officer Evans said that he noticed that Huff had a knife in his right hand. He asked Huff what was in his hand, and told Huff to drop the knife. Huff continued walking toward them with the knife in his hand.

Officer Evans said that he and Officer Maciejewski gave Huff multiple verbal commands to drop the knife. Huff continued walking toward them with the knife in his hand. Officer Evans said that he and Officer Maciejewski were retreating down N. 22<sup>nd</sup> Street, with their weapons drawn. Huff was gaining ground on them. Officer Evans said that Officer Maciejewski fired his weapon. He did not fire his duty weapon.

Officer Evans said that he felt he and Officer Maciejewski were in danger. Huff had a knife and was coming toward them. Officer Evans said that he felt scared for his safety and the safety of Officer Maciejewski.

### **Interview with Victim**

The victim confirmed the details given by Officers Maciejewski and Evans. The victim said that Huff had put her in a choke hold so tight, that she was gasping for air. She was able to break free and then called 9-1-1. The victim said that after Huff came out of the house, Huff continued advancing on the officers with the knife. According to the victim, Huff stated that he did not want to live, and that he did not want to go to jail. The victim said that she witnessed everything the officers did, and that Officers Maciejewski and Evans "did everything by procedure". The victim said that she was not concerned about any of the Officer's actions.

Drug screens and blood alcohol tests were conducted on Officer Kyle Maciejewski and Officer Justin Evans. Results of the tests were negative.

DCI Agents documented that Huff had been shot two (2) times. One round was recovered from Huff's person at Rapid City Regional Hospital.

Toxicology results showed that Huff had no illegal drugs or alcohol in his system.

Huff had no prior criminal history.

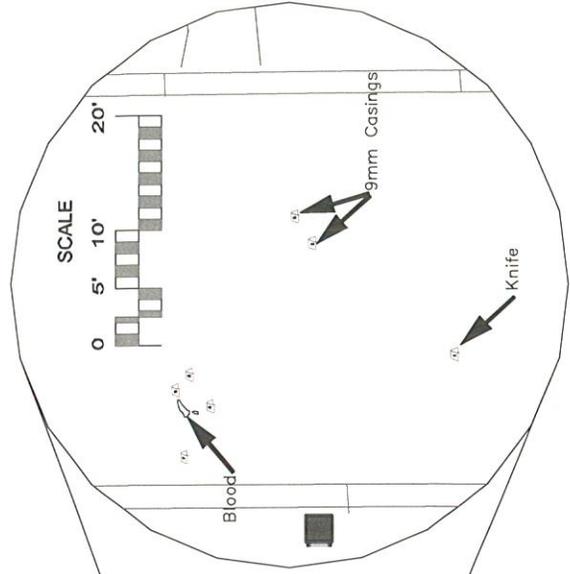
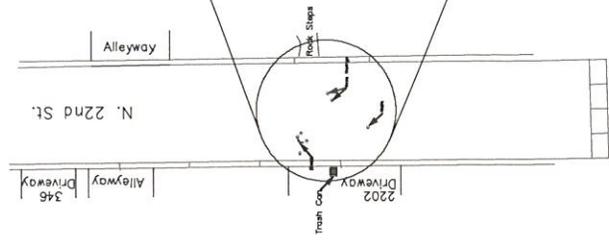
### **Investigation Results**

Based on the totality of the circumstances as required in Tennessee v. Garner (1985), a reasonable officer present at the scene utilized deadly force in a situation that was tense, rapid and building. Huff had the means and opportunity to use deadly force and was a clear and present danger at the time.

It is the conclusion of this report and the Attorney General that Hot Springs Police Officer Kyle Maciejewski was justified in firing his weapon and using lethal force.

The crime scene investigation and review of the body camera video conducted by the Division of Criminal Investigation are consistent with statements received from Officer Maciejewski, Officer Evans, and other witnesses.

Hot Springs PD O.I.S.  
 Officer: Kyle Maciejewski  
 Suspect: Dylan Huff  
 Date: June 22, 2016  
 Time: 0119 hours  
 Location: 300 block of N. 22nd Street, City of Hot Springs  
 Investigation By: SD Division of Criminal Investigation  
 Mapped By: Trooper Todd Albertson & Trooper Shann Barrick  
 Date Mapped: June 22, 2016 & July 19, 2016  
 Drawing By: Trooper Todd Albertson



Evidence Tent Log:

- 1— USMC KABAR Knife (black)
- 2— 9mm Casing (silver)
- 3— 9mm Casing (silver)
- 4— Black w/ Green Addias Shorts
- 5— Blue T-Shirt w/ Blood
- 6— Green Hoodie (J. America)
- 7— Officer Down Kit & Tourniquet

