

Pennington County Sheriff's Office Deputy David Olson Shooting Summary that occurred on May 2, 2010.

On 5/2/2010 at approx. 6:52 pm the Pennington County Sheriff's Office was called to Sunnyside Trailer Court located at 4800 Everest Road, lot#28, for an assault in progress. The initial information received was that Christopher Capps (age 22) pushed Blaze Davidson (age 15) off of a bicycle and then proceeded to assault Davidson. Capps was chased into a nearby field by a witness, Darrell Scribner (48). Scribner was joined in the foot pursuit of Capps by on-duty Pennington County Deputy David Olson. Olson is dressed in full uniform. The lighting conditions are as follows: full daylight there is no need for any type of alternative light source.

The foot chase went into a field which is located east of 4800 Everest Road.

Pennington County Dep. Olson Information:

Dep. Olson received information from Pennington County Dispatch that indicated Capps was running Northeast into the field and near some railroad tracks. Olson parked his patrol vehicle near an adjacent pump house and got out on foot. He was met by Tammy Scribner, Darrell Scribner's wife. Tammy said that Darrell was wearing a red flannel shirt and chasing Capps in the field.

As Olson gets to a point where the field rises up slightly he can see Scribner and Capps. Olson believes they are about 60-70 feet apart. Scribner is yelling at Capps but Olson cannot make out what he is saying.

Capps then turns around and starts walking towards Scribner. Scribner is stopped and standing still. As Capps is heading towards Scribner, he breaks stride keeps moving and bends down with his right hand and picks something up. Capps continues to move towards Scribner in a fast paced walk directly at Scribner.

Olson yells at Capps and identifies himself. Olson yells, "Sheriff's Office!" Capps now turns his attention to Olson and starts running towards him. Capps is closing the distance hard and fast.

Olson can see something in Capps right hand. Capps was holding the object toward the front of his hand with his arm parallel to the ground at about shoulder height with his elbow bent forward. Olson sees what he believes is a silver colored knife, 4-6 inches long, in his right hand.

Olson has his gun pointed at Capps and yelled, "Stop, go to the ground!" "Show me your hands." Capps kept coming towards Olson and never gave Olson the impression that he (Capps) was going to stop.

Olson thought about using his taser but did not think he had time to draw it because Capps was way too close.

Olson believes Capps is somewhere between 12-20 feet away when he fired his first round at Capps. Olson believes he fired 4 rounds at Capps from his duty handgun before the threat from Capps stopped.

During the interview with Division of Criminal Investigation Special Agent John Buszko, Olson said he feared the Capps would cut him up. Olson also feared that if he did not take action Scribner would have been seriously injured by Capps.

Examination of Olson's handgun revealed that he shot 5 rounds from one duty magazine.

Autopsy Information:

The autopsy revealed that Capps was struck by 5 bullets from Olson's handgun. Two spent rounds were recovered from Capps' body.

According to Dr. Don Habbe (forensic pathologist) B.A.C. level and drug screen on Capps' was negative.

Shooting Scene:

At the scene of the shooting evidence technicians recovered 2 spent rounds directly underneath Capps clothing after he fell to the ground. They also recovered 4 spent casings approximately 14 feet away from Capps' body. A piece of driftwood approx 6-8 inches long, that comes to a sharp point at one end was located on the ground next to Capps' body.

Witness Darrell Scribner's Information:

Darrell Scribner gave the following information to investigators:

Around 7pm (5-02-10) Darrell was at his residence with his wife Tammy Scribner and daughter Tanya Scribner watching TV. At this time he heard a knock on his door. At the door were a few kids from the neighborhood. They reported that Blaze Davidson (Tanya Scribner's boyfriend) had been assaulted by someone and they needed help. After hearing this Darrell, Tammy and Tanya all went to Jacob Arguello's trailer about 100 yds away. At Jacob's trailer they found Blaze lying on his back crying with visible blood on his person. Darrell says at this location he was told an adult male wearing a white shirt assaulted Blaze and fled the scene (witnesses to the assault pointed the direction that the

subject fled the scene). Darrell said he was angry that an adult had beaten up a juvenile and he and his wife decided to pursue the subject (Capps). Darrell said that he and his wife knew the direction of travel of the subject and had an idea how to intercept him. After driving South on Hwy 79 then East on Universal Darrell and Tammy ended up on the railroad tracks near a bridge SE of the Sunnyside trailer park (location of the initial assault). At this location they spotted a male subject wearing a white shirt (Capps) in the field coming right at them. Darrell and Tammy began to yell at the unknown male causing him to turn around and run away from Darrell and Tammy. Darrell pursued Capps into the field. Darrell stated that he chased the unknown male for approximately 10 minutes yelling and taunting him the entire time. Darrell stated his intention was to "beat his ass" for what he did to Blaze. Darrell stated that eventually the unknown male stopped and picked something up off the ground. Darrell assumed that the threats and taunting had finally got to him. Darrell seeing that the unknown male had picked something up said something like; you are a big man you got to pick up a rock. After hearing this Capps yelled I'm going to kill you and began to run at Darrell. Darrell said seeing this, he "switched into football mode" and was planning on taking Capps out at the knees. As Capps approached him Capps veered left and ran right by Darrell. Turning around Darrell noticed for the first time that a Deputy Sheriff was behind him. Darrell said that as Capps moved past him he thought the object in his hand was a sharpened stick not a rock. As Capps was running directly at the Deputy (Olson), Darrell said he heard Capps yell, "I going to kill you", at the Deputy and roar (loud yelling voice) while running at the Deputy. Darrell said he heard the Deputy yell "Drop the weapon," 3 separate times and telling Capps he was going to shoot, before the Deputy shot Capps. Darrell thought the Deputy fired 3 shots in quick succession. After being shot Capps fell to the ground. After shooting Capps Darrell said he heard the Deputy call for an ambulance and direct the responding officers to his location. Darrell said the Deputy initially asked him if he had any weapons and directed him to sit down. Moments later, Darrell volunteered to assist the Deputy by helping direct the responding units to the Deputies location, Deputy Olson agreed and Darrell left the immediate scene to assist the Deputy.

The following is the information received ref the assault that occurred prior to the shooting:

Blaze Davidson was interviewed and said that he and Capps got in a fight because as Blaze was riding his bike around Capps, for some unknown reason, Capps reached out and shoved blaze off of his bike. From there, Capps started beating up Blaze. Blaze punched Capps in the mouth breaking his tooth. Capps said he was going to kill Blaze. He then began choking him until Blaze passed out.

Three juveniles who witnessed the initial assault were interviewed; their statements are synopsisized as follows:

Travis Brenner, Jacob Arguello, Taylor Highhorse (7 yrs old), and Blaze Davidson were riding bikes in the trailer park area. Blaze rode his bike by an unidentified male (later learned to be Capps) who pushed him off his bike. Blaze made a remark to Capps and Capps pushed him. Blaze then punched Capps in the face possibly breaking/chipping one of Capps' teeth. A fight ensued with Capps beating up Blaze. Brenner reports that Capps told Blaze that he was going to kill him and started to choke Blaze. Brenner hit Capps with a bicycle helmet, pushed and kicked him to get Capps off of Blaze. Arguello ran and got his dad (Chris Saban) who came to the area which resulted in Capps leaving the assault area to the railroad tracks. Saban says Capps traveled Eastbound along the railroad tracks.

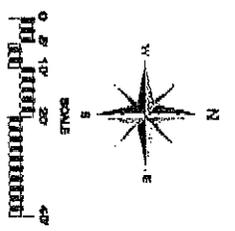
On 5/12/2010 I, Agent Buszko, received the BAC analysis report. The report indicated Olson's BAC was .00%.

On 5/12/2010 I, Agent Buszko received the drug screen report. The report indicated Olson's complete drug screen was negative.

Sunnyside
Mobile Home
Park

Fence

Fence



10-114298

Drawn by: Paul Wathen

Mapped by: Officer Paul Wathen

AI Steve Bisgaard

Date mapped: 5/3/2010

Deputy involved Shooting

Location: 4800 Everest Rd.-Pennington Co, SD.

Open Field

