



U.S. Department of Justice

Ronald A. Parsons, Jr.
United States Attorney
District of South Dakota

515 Ninth Street #201
Rapid City, SD 57701
605.342.7822
FAX: 605.342.1108

PO Box 7240
Pierre, SD 57501
605.224.5402
FAX: 605.224.8305

PO Box 2638
Sioux Falls, SD 57101-2638
605.330.4400
FAX 605.330.4410

April 8, 2019

SA [REDACTED]
Federal Bureau of Investigation
909 St. Joseph St., #400
Rapid City, SD 57701

b6 per FBI
b7C per FBI

Re: In the Matter of the Investigation of the Death of Jacob Archambault,
a/k/a Jacob Spotted Tail (File No. 198G-MP-3056847)

SA (b)(6),
(b)(7)(C)

I have reviewed your report of investigation in this case and I am requesting the following additional information:

1. Final autopsy report;
2. RSTLES Calls for Service related to initial the initial call by (b)(6), (b)(7)(C)
3. Any/all reports/photos created by South Dakota Highway Patrol (SDHP) Trooper (b)(6), (b)(7)(C) and any other SDHP Trooper;
4. Digital copies of all photos created by RSTLES;
5. Dispatch audio;
6. Any/all audio recordings of FBI interviews conducted in this investigation;

Please call with any questions or concerns.

Sincerely,

RONALD A. PARSONS, JR.
United States Attorney

-Kirk W. Albertson-
Kirk W. Albertson
Assistant United States Attorney

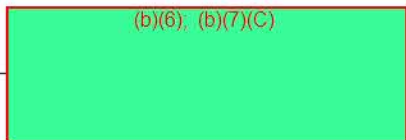
cc:
SSRA [REDACTED] FBI
SSA Robert Sedlmajer, RSTLES

b6 per FBI
b7C per FBI

1986-MP-3056847

RONALD A. PARSONS, JR.
United States Attorney

By: _____



(b)(6); (b)(7)(C)



U.S. Department of Justice

Ronald A. Parsons, Jr.
United States Attorney
District of South Dakota

515 Ninth Street #201
Rapid City, SD 57701
605.342.7822
FAX: 605.342.1108

PO Box 7240
Pierre, SD 57501
605.224.5402
FAX: 605.224.8305

PO Box 2638
Sioux Falls, SD 57101-2638
605.330.4400
FAX 605.330.4410

CONFIDENTIAL –FOR OFFICIAL LAW ENFORCEMENT PURPOSES ONLY

May 15, 2019

SA [REDACTED]
Federal Bureau of Investigation
909 St. Joseph St., Suite 400
Rapid City, SD 57701

b6 per FBI
b7C per FBI

SA [REDACTED]
Federal Bureau of Investigation
325 S. 1st Ave., Suite 500
Sioux Falls, SD 57104

b6 per FBI
b7C per FBI

Re: In the Matter of the Investigation of the Death of Jacob Archambault,
a/k/a Jacob Spotted Tail (File No. 198G-MP-3056847)

Summary Overview:

On January 27, 2019, RSTLES Officers (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) responded to a report that Jacob Archambault, a/k/a Jacob Spotted Tail, had caused a disturbance at a house in St. Francis, South Dakota, and then departed in a vehicle. The officers subsequently located the suspect vehicle, a Chevrolet Tahoe, in Rosebud, South Dakota, and pursued. The pursuit ended on a hilly, unpaved trail in Rosebud. In an effort to continue to evade the officers, Archambault rammed his vehicle into the patrol vehicle of Officer (b)(6); (b)(7)(C), pushing it aside and endangering Officer (b)(6); (b)(7)(C). At that point, both officers opened fire on Archambault, mortally wounding him. Archambault continued to back away from the officers and went down a steep incline. He was ejected from the vehicle and ended up pinned underneath it, where he subsequently died. Based upon the FBI investigation, the shooting was justified.

CONFIDENTIAL –FOR OFFICIAL LAW ENFORCEMENT PURPOSES ONLY

Facts:

At approximately 5:00 p.m. on the evening of January 27, 2019, Rosebud Sioux Tribe Law Enforcement Services (RSTLES) responded to call for service from (b)(6), (b)(7)(C), who was requesting that an officer respond to a house in St. Francis, South Dakota, as (b)(6), (b)(7)(C) Jacob Archambault was causing property damage and trying to fight.¹ (b)(6), (b)(7)(C) specifically requested that RSTLES Officer (b)(6), (b)(7)(C) respond. (b)(6), (b)(7)(C) called back a short time later and reported that Archambault had departed the scene in a brown Chevrolet Tahoe. Although (b)(6), (b)(7)(C) didn't specifically say as much, the dispatcher understood that Archambault was drunk, and that information was communicated to responding officers.

RSTLES Officers (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were on duty at the Rosebud Police Department in Rosebud, South Dakota, and responded to the call. Officer (b)(6), (b)(7)(C) drove his unmarked police pickup truck equipped with lights and siren; Officer (b)(6), (b)(7)(C) drove his marked police car. Both officers were in their duty uniforms and displaying their badges of office. They subsequently located the suspect vehicle in the Old Hospital Housing neighborhood in Rosebud and initiated a traffic stop. (b)(6), (b)(7)(C) whom Officer (b)(6), (b)(7)(C) knew to be an associate of Jacob Archambault's and involved with drugs, exited the rear driver side door of the suspect vehicle holding a baby. As soon as (b)(6), (b)(7)(C) exited the vehicle, Archambault drove away in the suspect vehicle. Officer (b)(6), (b)(7)(C) and Officer (b)(6), (b)(7)(C) pursued Archambault as he drove through multiple housing areas, endangering pedestrians. At one point, Archambault nearly lost control of his vehicle. He then turned around and started driving straight towards Officer (b)(6), (b)(7)(C) vehicle. Officer (b)(6), (b)(7)(C) drew his service weapon, but Archambault drove past him and up through the Valley Housing neighborhood. At the top of North Spotted Tail Lane, Archambault proceeded onto a dirt trail that intersected Spotted Tail Lane. Archambault followed the trail, but lost traction shortly before he got onto the pavement at Spotted Tail Lane and slid backwards. His vehicle was situated almost perpendicular to the trail when the officers arrived.

Based on the initial report that Archambault was drunk, and on the behavior they had observed and their prior knowledge of Archambault, both officers believed Archambault might be under the influence of methamphetamine or other controlled substances. Both officers exited their vehicles and aimed their service weapons at Archambault. Officer (b)(6), (b)(7)(C) yelled for him to stop the vehicle. Officer (b)(6), (b)(7)(C) yelled for him to get out of the vehicle. Archambault ignored the officers' commands and instead attempted again to drive up the incline, but was unsuccessful. Instead of

¹ The dispatcher apparently misunderstood the suspect's name in the initial call and initially communicated to responding officers that the suspect's name was (b)(6), (b)(7)(C) Archambault. The recording makes clear, however, that White Bird identified the suspect as Jacob Archambault.

exiting the vehicle at that point, Archambault continued to escalate the dangerousness of the situation. He reversed his vehicle and rammed into the front bumper of Officer (b)(6), (b)(7)(C) marked patrol vehicle, pushing it to the left. After the initial contact, he continued pushing the vehicle out of his way. Officer (b)(6) was standing in the open door of his vehicle and was forced to get away from his vehicle as Archambault pushed it. At that point, both officers fired at Archambault.

Officer (b)(6), (b)(7)(C) was positioned to the right of Archambault's vehicle and was generally firing in the direction of the front passenger door. Officer (b)(6), (b)(7)(C) was positioned in front of Archambault's vehicle and was generally firing in the direction of the windshield. The vehicle was subsequently processed for evidence and determined to have sustained a total of 9 gunshots to the windshield, right side bumper, and front passenger door.

Archambault continued reversing across the trail and down a steep embankment. At some point, the driver's side door opened and Archambault was ejected from the vehicle. The vehicle ended up lying on the driver's side in a wooded area at the bottom of the embankment with Archambault pinned under the vehicle.

Additional RSTLES officers responded to the scene, along with RSTLES Criminal Investigations Division (CID) special agents, RST Volunteer Fire Department, and RST Ambulance Service. Despite their combined efforts, they were unable to extract Archambault, who was still alive, from under the vehicle. Archambault was pronounced dead at approximately 6:13 p.m., roughly 55 minutes after the shooting. The FBI, RSTLES CID, and the South Dakota Highway Patrol (SDHP) conducted further investigation.

(b)(6), (b)(7)(C) was interviewed and reported she had been at the house with Archambault that evening. She reported Archambault had punched (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and had broke multiple windows in the house. She agreed to drive him to Mission with her baby to get him away and calm him down. While they were driving, Archambault was upset and crying. (b)(6), (b)(7)(C) reported she and Archambault were both aware that he had an active arrest warrant from RST Court.² Archambault talked about turning himself in and (b)(6), (b)(7)(C) encouraged him to do so. When they got into Rosebud, Archambault told (b)(6), (b)(7)(C) to pull over in the Old Hospital Housing neighborhood, which she did. When she started to drive forward again, she noticed a police vehicle behind them trying to pull them over. Archambault told her to get out of the vehicle with her baby, and then he drove away.

² Available records indicate that an arrest warrant was issued in RST Court on October 15, 2018, for Escape, in violation of Rosebud Sioux Tribe Law and Order Code (RSTLOC) § 5-14-1. Further, an arrest warrant was issued in RST Court on January 10, 2019, for Failure to Appear, in violation of RSTLOC § 5-16-15. Both warrants were active as of January 27, 2019.

An autopsy was conducted on January 29, 2019, by Dr. (b)(6), (b)(7)(C), Sanford Health Pathology Clinic in Sioux Falls, South Dakota. The autopsy results indicate that Archambault suffered approximately six indeterminate range gunshot wounds to the chest, right shoulder, right forearm, and both hands. His death was ruled a homicide, with the cause of death described as Atlanto-occipital dislocation (AOD)³ due to motor vehicle crash due to gunshot wound of chest. Toxicology results indicated Archambault's blood-alcohol concentration was .096 at the time of his death. He also tested positive for methamphetamine. Officer (b)(6), (b)(7)(C) and Officer (b)(6), (b)(7)(C) both voluntarily consented to interviews by the FBI, and their description of the events were consistent with the description above. Both officers voluntarily consented to a blood toxicology screen, the results of which were negative for alcohol or controlled substances.

RSTLES Officer (b)(6), (b)(7)(C) and Officer (b)(6), (b)(7)(C) are employed by the Rosebud Sioux Tribe Police Department and are paid pursuant to contract with the Tribe under Public Law 93-638. Both officers were on duty, and engaged in the performance of official duties at that time of this incident.

Jacob Archambault, a/k/a Jacob Spotted Tail is an enrolled member of the Rosebud Sioux Tribe. Rosebud, Todd County, where the incident occurred, is within the exterior boundaries of the Rosebud Sioux Indian Reservation, a federally recognized tribe.

Contact with the Decedent's family:

We understand that you have spoken to (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)



³ AOD describes ligamentous separation of the spinal column from the skull base.

(b)(6); (b)(7)(C)

Analysis:

(b)(5), (b)(6), (b)(7)(C)

Conclusion:

Officer (b)(6); (b)(7)(C) and Officer (b)(6); (b)(7)(C) actions were justified under the circumstances. They acted in self-defense or defense of a third person and their actions were reasonable. No criminal charges have been referred as to Officer (b)(6); (b)(7)(C) or Officer (b)(6); (b)(7)(C) and no charges are appropriate based on their conduct. Based on the foregoing, this office is not pursuing criminal charges against Officer (b)(6); (b)(7)(C) or Officer (b)(6); (b)(7)(C) and the file is being closed.

4

(b)(6); (b)(7)(C)

(b)(6);
(b)(7)(C)

CONFIDENTIAL –FOR OFFICIAL LAW ENFORCEMENT PURPOSES ONLY

Archambault, through his actions, escalated this incident into a life-threatening encounter. If Archambault had survived, it would be appropriate to charge him with Assaulting, Resisting, and Impeding a Federal Officer and Assault With a Dangerous Weapon.

Sincerely,

RONALD A. PARSONS, JR.
United States Attorney

(b)(6), (b)(7)(C)

KIRK W. ALBERTSON
Assistant United States Attorney

CLOSURE APPROVED:

(b)(6), (b)(7)(C)

Timothy M. Maher
Supervisory Assistant United States Attorney

cc:
Mr. (b)(6), (b)(7)(C) RST Attorney General
Ms. (b)(6), (b)(7)(C) RST Chief Prosecutor
CA (b)(6), (b)(7)(C) RSTLES
SSA Robert Sedlmajer, RSTLES CID
SSRA (b)(6), (b)(7)(C) FBI

b6 per FBI
b7C per FBI

CONFIDENTIAL –FOR OFFICIAL LAW ENFORCEMENT PURPOSES ONLY