

## Protest

## Kyle Rapp

2-23-17, 0645 hours. I attended a briefing in regards to an operation to clear any protesters off the Army Corp land located in south Morton County. The land to be cleared of protesters was known as the, "Oceti Sakowin Camp". I am an operator on the West Dakota Swat Team and was assigned to the West Dakota Swat Team bearcat with Lt Haug (Team Leader, Mandan Police Department), Sgt. Gardner (Bismarck Police Department), Deputy Moll (Morton County Sheriff's Department), Deputy Selle (Morton County Sheriff's Department), Deputy Thompson (Burleigh County Sheriff's Department), Officer Welch (Bismarck Police Department), and Sgt. Silbernagel (Burleigh County Sheriff's Department). We were assigned to enter the camp first and to make our way to one of the compounds further inside the camp that possible hand firearms inside of it. Our job was to set up a perimeter on this compound and to eventually clear the compound of any protesters.

1029 hours. The convey of officers began to move south bound on Highway 1806 toward the protest camp. The bearcat I was in was the first vehicle in the convoy. Our first mission was to cut the fence on the north side of the camp along the road to allow vehicles and officers to enter the camp.

1043 hours. Lt. Stugelmeyer gave us the order to cut the fence. I was wearing a tactical a vest with the words "Police" on the front and back of it. I was carrying a 40 mm less than lethal launcher. Deputy Selle, Deputy Moll, Sgt. Silbernagel, and I exited the bearcat. Deputies Moll and Selle cut the fence while Sgt. Silbernagel and I covered them. Once the fence was cut we entered the camp along with two bobcats. We spread out and covered the bobcats while they plowed a path for vehicles and officers to enter the camp.

There was a group of protesters gathered around a green tent with a large American flag on top of it. This was the tent believed to possible belong to military veterans. There were approximately 30-40 protesters on the west side of the tent. Several protesters were taking pictures and video. There were several protesters coming and going from this group. I told the group of protesters several times not to approach us or our equipment. I told them at least one time that they needed to leave. One protester approached one of the bobcats while it was not moving at the bottom of the ditch. I told this protester not to approach the equipment and he complied and went back with the rest of the protesters. I observed some of the protesters at the front began to lock arms together. Protesters have done this before prior to being arrested in an attempt to resist arrest.

Lt. Stugelmeyer ordered one of the mobile field force teams to enter the camp. The mobile field force team entered the camp and approached the protesters by the green tent who had their arms locked. The mobile field force began to make arrested. Officers had to carry some of the protesters because they refused to walk. Deputy Selle, Deputy Moll, and Sgt. Silbernagel and I got back on the bearcat. We entered the camp with the bearcat and eventually got stuck in the mud. The ground was very wet and muddy. We cleared all the structures around our area and found no protesters. We got the bearcat unstuck and moved it to dry ground and locked it. Humvees came and picked us up so we could continue to move through the camp.

## Protest

## Kyle Rapp

We eventually came to a building with a red roof. There was an individual on top of the roof who appeared to be waving a North Dakota flag. There were approximately 10 other people walking around the building and going in and out of the building. One of the individuals kept waving at us to come over to where they were at. Lt. Haug had a field force come to our area. We eventually moved toward the building and toward the occupants who were standing on the ground. There was a deputy from an unknown county to the right of me as we moved toward the occupants on the ground. Officer Welch was in front of me. One of the individuals who were later identified as Kyle Rapp was directly in front of us with his hands in his sweatshirt pockets. As we moved toward Rapp the deputy to the right of me had his rifle pointed at Rapp and told him several times to take his hands out of his pockets. Rapp would not comply and said, you're not going to shoot me.

Once we got close to Rapp we were able to go hands on and take him to the ground due to the fact he still had his hands in his pockets and we did not know if he was concealing a weapon. There was approximately 6 inches to a foot of mud where we were at. Rapp went face down on the ground. I was by Rapp's head and holding onto the back of his head. Other officers attempted to handcuff Rapp at that time and he continued to resist by locking his arms out and not bending his arms so he could handcuffed. The muddy and wet conditions made handcuffing very difficult. Rapp was told several times to quit resisting and to unlock his arms. Rapp continued to resist. Officers were able to get ahold of Rapp's right arm and place it behind his back but he continued to lock his left arm out. I kned Rapp 4-5 times in the back of his left shoulder blade in an attempt to get him to bend his left arm. Rapp said, come on guys that hurts, and he continued to resist and lock his left arm out. I used my department issued pepper spray and sprayed Rapp in the face area. The pepper spray did not appear to have any effect on Rapp. One of the other officers attempted to use a taser. The Taser either malfunctioned or did not work.

I asked several other officers who were in the area if they had a Taser and if so to come and assist us. Other officers came to assist at that time. Rapp continued to resist and would not give his left arm. I attempted a mandibular angle behind Rapp's left ear which had no effect on him. I kicked Rapp in the right hip 2 times in attempt to get him to comply and he continued to resist. Officer Jones obtained a Taser and came to assist us. Officer Jones deployed the Taser on Rapp. The Taser appeared to have an effect on Rapp. Rapp began to kick his left leg at Officer Jones in an attempt to kick Officer Jones. I put my right foot on Rapp's left calf and held it to the ground. Officers were able to place handcuffs on Rapp at that time. Rapp would not walk and had to be carried to an area where a transport team could pick him up. We continued to move toward the south end of the camp and eventually came to the Cannon Ball River.

1409 hours. The camp was secured per Sheriff Laney. We stood on the north bank of the Cannon Ball River. There were approximately 40-50 protesters on the ice on the Cannon Ball River. They were yelling at us and telling us to go home. The rope bridge was cut down at that time by officers. Protesters were swinging and shaking the rope bridge to make it more difficult for officers to cut it. We were eventually relieved of our duty at the Cannon Ball River.

All times are approximate.

Grensteiner 0229

Protest  
Kyle Rapp

Grensteiner 0229