

March 24, 2025



**Iowa Attorney General's Review
of Officer Involved Death**

Incident of January 27, 2025
Storm Lake, Iowa

Iowa State Patrol Troopers: Spencer Baltes and Tanner Howard

Subject Involved: Daniel Joseph James Palenik

KEISHA F. CRETSINGER
Statewide Prosecution Section Chief

BRENNA BIRD
Attorney General of Iowa
1305 E. Walnut Street
Des Moines, Iowa 50319
(515) 281-5164

Executive Summary

On the morning of January 26, 2025, Reserve Deputy Scott Mack of the Buena Vista Sheriff's Office initiated a traffic stop on a pickup truck south of Storm Lake. During the stop the driver was identified as Daniel Joseph James Palenik. He was verbally aggressive to Deputy Scott, stating the deputy was "lucky I don't shoot you." Palenik sped away from the stop, going approximately 100 miles per hour, and deputies pursued him to his home at 325 Oneida Street in Storm Lake.

Once at the residence, Palenik doused the exterior of the house in gasoline and barricaded himself in the home for 19 hours. All efforts to get him to surrender peacefully failed. Palenik refused to come out of the home and shot at officers who approached—approximately 120 total rounds at officers throughout the stand-off. Sniper teams fired on Palenik once it was determined that he would not surrender and continued to pose a threat to the lives of officers and the community. When they entered his house, officers found Palenik with a rifle and multiple magazines of ammunition, a loaded 100 round drum magazine, a loaded pistol, and a 12-gauge shotgun with additional rounds on his body or within reach. Additional rifles were found throughout the home, along with hundreds of rounds for the rifles and shotgun.

Detailed Factual Summary

A. Traffic encounter and pursuit.

At 7:55 a.m. on January 26, 2025, Reserve Deputy Scott Mack of the Buena Vista County Sheriff's Office was driving westbound on County Road 65, just south of Storm Lake. He noticed a pickup truck ahead of him traveling in the same direction, but at a much slower speed. The pickup drifted in and out of its lane before heading north on Highway 110. As the deputy attempted to catch up to the vehicle, his speed reached 115 miles per hour.

While Deputy Mack followed the truck north into Storm Lake, it crossed into the southbound lanes twice. As they approached Casino Road, the pickup truck moved into the southbound lanes, braked suddenly, and came to a complete stop. Deputy Mack activated his emergency lights and saw the pickup begin to back up in the southbound lanes of the road. Unsure whether the driver was intending to hit his vehicle with the pickup, Deputy Mack pulled out of the northbound lane. The pickup truck pulled onto the right shoulder of the northbound lane and Deputy Mack positioned his vehicle behind it.

Deputy Mack observed that the pickup's driver was a man who had his hands out the driver's side window and was yelling. Deputy Mack provided dispatch with the vehicle information. Dispatch advised that the vehicle was registered to Daniel Joseph James

Palenik, who was later identified as the driver. As Deputy Mack approached the vehicle, Palenik was waving his arms and yelling. The first thing he told the deputy was, “You’re lucky I didn’t make it to my house or you would have had to come in and get me.” When asked what he was upset about, Palenik said that he believed law enforcement was always following him and would not leave him alone. He repeated these sentiments multiple times. When asked for his license, registration, and proof of insurance, Palenik retrieved them. He was so irate that his hands were shaking. When handing over his documentation he said he believed law enforcement was “out to get me” and told Deputy Mack, “You’re lucky I don’t shoot you.” When asked if there were any weapons in the truck, Palenik responded that it was none of the deputy’s business and told him, “You don’t want to find out.”

Deputy Mack took the documents back to his vehicle to run through dispatch. Deputy Mack requested additional officers due to Palenik’s demeanor and statements. Buena Vista County Deputy Logan Studer arrived to assist. As Deputy Mack briefed him on the situation, Palenik was still flailing his arms and yelling. Dispatch informed them that Palenik’s driver’s license was suspended, and he did not have the required SR-22 insurance on file. They planned to issue him a citation and see if he could call someone to drive his truck home for him.

As Deputy Mack and Deputy Studer approached the pickup, Palenik swore at them and stated he wasn't going to "play their game." When they asked if there was someone who could drive his truck home because his license was suspended, his response was, "Nope, fuck you assholes," and he immediately sped off. The deputies pursued Palenik into Storm Lake, at one point pacing with him at 101 miles per hour. During the pursuit Palenik weaved in and out the lanes and he failed to stop at several stop signs. The pursuit was terminated at West 4th Street and Grand Avenue.

B. Officers proceed to Palanik's home.

Given that the pursuit had proceeded into Storm Lake, Storm Lake Police Department officers responded and proceeded to Palenik's known address of 325 Oneida Street. Palenik had lived in the area for many years. He had previously been very vocal with law enforcement about his distrust of the government and of officers. The officers called to the home were concerned about his possession of various firearms because of two previously issued safety bulletins. First, in 2009, numerous firearms seized from Palenik during a drug investigation were ordered returned to him after the disposition of the case. They included numerous assault rifles, a shotgun, and a pistol. A 2017 bulletin was issued after a

rental inspection where Palenik expressed his distrust of law enforcement and was observed with a pistol in a shoulder holster.

The house at 325 Oneida Street is a small, one-story home with an unfinished attic, sitting on a triangle-shaped lot. The front door faces Oneida Street to the west. East 3rd Street runs at an angle past the north side of the house, and a driveway runs from the east side of the house to an alley. Palenik had parked his pickup on the east side of the home near several other vehicles in the driveway. He began to pour gasoline around the vehicles and the east door of the home before going inside. When he re-emerged, he began smoking a cigarette in the driveway and repeatedly slammed one of his truck windows with his elbow. He then went inside. At that point the tactical teams from the Storm Lake Police Department and the Buena Vista and Sac County Sheriff's Offices were activated.

C. Negotiations with Palenik.

A crisis negotiator with the Storm Lake Police Department initially made phone contact with Palenik. When asked to confirm his identity, Palenik responded by swearing at the officer and ending with "leave me alone." He then disconnected the call. Despite this initial reaction the negotiator continued to try to call Palenik over the next 15 minutes. Some of the calls went

unanswered, but some Palenik would answer and speak for less than a minute. When he did speak, he talked about his disdain for law enforcement and how they hassled him and his deceased father. He told the officer to let him go to sleep or die and commented that the officer was going to be the last person to talk to him. After those comments, Palenik no longer answered calls.

Law enforcement was then contacted by Palenik's boss, who indicated Palenik had called him just after 9:00 a.m. Palenik had worked the previous night. During their conversation that morning, Palenik had thanked his boss for the opportunity to work and wished his boss "a good life."

The negotiating officer attempted to text with Palenik and did get initial responses starting at 9:28 a.m. The majority of Palenik's comments again related to his perception that law enforcement was following him for several years and suspicious they had tapped his phone. The negotiator made clear that officers did not want to come into his home and instead wanted to talk with him to resolve the situation peacefully. Palenik continued to respond with anger and distrust. He stopped responding to text messages just after 10:00 a.m. Despite this, the negotiating officer continued to repeatedly reach out to Palenik during the course of the stand-off to re-engage in conversation with no substantial result.

Authorities requested the assistance of the Iowa State Patrol crisis negotiators and tactical teams, who responded. Loudspeaker announcements that began around 12:30 p.m. told Palenik to surrender and told him how to do so in a way that would ensure everyone's safety. They also repeatedly asked Palenik to contact them on the phone and stated that they wanted to make sure he was okay. All communications from negotiators were calm, using soft tones and expressing empathy, designed to encourage Palenik to come out peacefully. Palenik did not present himself, nor did he respond through text or phone call. The announcements continued throughout the day with no response.

Officers could not see inside the house because all doors and windows were blocked with objects and debris. An arrest warrant for Palenik was obtained later that morning for his eluding in excess of 25 miles per hour over the speed limit, and a search warrant was obtained for the home.

D. Palenik fires on law enforcement during a standoff.

Armored vehicles from the Buena Vista County Sheriff's Office (MRAP), Storm Lake Police Department (MRAP) and Iowa State Patrol (Bearcat), were on scene. At roughly 4:30 p.m., after hours of loudspeaker announcements and attempts to communicate with Palenik by telephone, officers used the vehicles to open parts of the

home to obtain better visuals on Palenik and to communicate with him. The Bearcat breached a window, took out the shade blocking it, and found there were items barricaded behind the window.

Palenik opened fire on the vehicle and the officers inside with rapid, semi-automatic rifle shots. He then went to the other side of the house and fired on the one of the MRAPs. Two more times that evening, troopers approached the home with the Bearcat, attempting to remove items that blocked vision into the house, and each time Palenik opened fire on them from inside. Every shot came through the house's walls and officers were never able to make visual contact with Palenik. Storm Lake Police Department Officers began evacuating neighborhood residents as officers from other agencies provided cover to get the residents out safely.

At approximately 8:00 p.m., members of the Pottawattamie County Sheriff's Office arrived with a smaller armored vehicle (Rook). Officers played on the loudspeaker recorded messages from Palenik's family members who lived out of state, but they got no response. An acquaintance of Palenik's contacted law enforcement, who coordinated for that friend to reach out to Palenik by text message to ask generally what was going on. Those text messages went unanswered.

Deputies used the Rook to open the front door and remove a large refrigerator that had been blocking it from inside. They still were not able to see Palenik.

As the stand-off continued into the evening, a drone was deployed to attempt to get a visual into the home. Palenik shot that drone down and shot at the windshield of one of the Bearcats with officers inside. Officers determined that shots were being fired from the attic, and the Rook was used to start opening the north side of the attic space. At that time, Palenik activated the remote start on his vehicle. The Rook was used to disable that vehicle.

The Rook was used to clear the west door of the house so that a robot could be used to deploy an irritant gas into the home to flush Palenik out. Palenik did not respond to the gas in a way the officers could notice. At approximately 10:45 p.m. deputies used the Rook to try to remove part of the south end of the attic. Palenik fired dozens of rounds directly at the windshield that protected the Rook's driver. The armored windshield began to shatter and caused minor injury to the driver. This rendered the Rook inoperable.

As midnight approached, officers attempted to use another drone to survey the area; Palenik shot it down. They used a robot from the Iowa State Fire Marshall's Office to attempt to deploy gas into the lower level of the home twice. The first attempt was successful, but Palenik again did not noticeably respond to the gas.

On the second attempt, Palenik shot the robot and disabled it before any gas was deployed. The shots continued to come from the attic.

At that point, officers were able to determine that Palenik was positioned in the southern portion of the attic. The north end of the attic was by that time exposed due to the use of the armored vehicles. At approximately 2:30 a.m., the Bearcat moved into position at the south end of the attic to attempt to remove the exterior so that Palenik would move to the northern, exposed end. Officers heard a gunshot and saw a gas can thrown out of the attic area. Palenik had shot the gas can with a shotgun before throwing it out of the house. Smoke could be seen coming from the northeast corner of the attic.

Sniper teams by that time had authority to fire on Palenik if he was visible and not actively trying to surrender. As the Bearcat was dismantling the south end of the home, Iowa State Patrol Troopers Spencer Baltes and Tanner Howard observed Palenik attempting to crawl through a hole from the south end of the attic to the exposed north end, trying to stay in the shadows. Each Trooper fired a single rifle shot at that moment and struck Palenik.

A drone from the Webster County Sheriff's Office was used to confirm that Palenik had been incapacitated. The Storm Lake Fire Department extinguished the fire in the attic space.

E. Law enforcement enters the house.

Officers found Palenik in the attic space. He was dressed in all black clothing and wearing a ski mask. He was holding a WASR Romanian AK-style rifle. He had numerous full and empty 30-round magazines on and around him. He had a 9mm pistol, loaded to capacity, on his body. Underneath him was a 12-gauge shotgun with a pistol grip. His pocket contained numerous 12-gauge rounds. Just below Palenik, on the floor below the collapsed ceiling, was an oversized duffel bag that contained hundreds of rounds of 12-gauge and AK ammunition. Fired 12-gauge shells and AK casings were scattered throughout the attic. Also in the attic were a camp chair, a sleeping bag, and bottles of Gatorade. In the lower level of the house officers found an SKS rifle, another AK rifle, and a .308 rifle.

Process and Authority

The Iowa Division of Criminal Investigation (DCI) investigated the incident, and its investigation is complete. DCI interviewed the troopers involved and reviewed video from the various agencies that responded. DCI reviewed evidence and reports from the Storm Lake Police Department; the Buena Vista, Sac, Webster, and Pottawattamie County Sheriff's Offices; the Iowa State Patrol; and the Iowa Office of the State Medical Examiner. DCI also reviewed videos recorded by private citizens.

The Attorney General's Office has authority under Iowa Code § 13.12 to assess any officer-involved death to determine whether criminal charges are warranted. The office has had a full opportunity to review the findings of the investigation and discuss the investigation with the assigned agent. All law enforcement reports, including audio or video recordings, will be returned to DCI when this report is issued.

Applicable Law

To be justified, the force an officer uses must be reasonable. Force is reasonable if a reasonable person, in like circumstances, would judge the force to be necessary to prevent an injury or loss. It can include deadly force if (1) it is reasonable to believe that such force is necessary to avoid injury or risk to the person's or another person's life or safety and (2) it is reasonable to believe that such force is necessary to resist a like force or threat. Iowa Code §§ 704.1, 704.2, and 704.3.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court held that the use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances. Under *Graham*, reasonableness of police use of force cannot be evaluated from the perspective of a civilian or the perspective afforded by 20/20

hindsight. The Court further stated that the fact that law enforcement officers are often required to react quickly in tense, uncertain, and rapidly evolving situations are factors that must be considered in determining reasonableness. Since *Graham*, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied.

Analysis

Daniel Palenik made clear over the course of a 19 hour standoff, that he would use deadly force against any law-enforcement officers who attempted to perform their legal duties, and his actions put the lives of the officers and people in the community at risk. Troopers Spencer Baltes and Tanner Howard were justified in their use of lethal force against Palenik.

From the time of the initial stop, Palenik described his willingness to shoot members of law enforcement simply for conducting a traffic stop based on his erratic driving. He then sped off at more than 100 miles per hour and barricaded himself in his home, refusing to cooperate with any peaceful attempt to communicate. Officers spent hours trying to communicate with him by phone to understand his mindset and to get him to talk with them.

Only after attempts at communication were unsuccessful did law enforcement use armored vehicles to clear a window to attempt to see Palenik. Palenik responded with heavy gunfire. At that point, members of law enforcement and the public were in mortal danger. The neighborhood was evacuated.

Despite Palenik's violent response, officers continued to attempt to communicate with him over loudspeaker, encouraging him to use the phone and work with officers for a peaceful resolution to the event. Palenik refused. All attempts to use less than lethal force were made over the course of hours, but Palenik only ever responded with gunfire. Palenik's continued use of lethal force was eventually met with lethal force by law enforcement—the only response that remained to end the situation without loss of life to law enforcement and innocent members of the community.

Conclusion

The Iowa Attorney General's Office concludes that the law-enforcement officers' actions in this incident were legally justified and that criminal charges are unwarranted. It considers the criminal investigation into this incident to be closed.