

## **Sioux Falls Police Department Shooting Summary Detailing Events from July 11, 2022**

On July 11, 2022, the South Dakota Division of Criminal Investigation (DCI) was requested by the Sioux Falls Police Department (SFPD) to investigate a shooting that occurred in Sioux Falls, S.D., at 309 North Cleveland Avenue. The suspect, Mario Reyes Rodriguez, was shot at by two Sioux Falls Police Officers while seated in a vehicle. Rodriguez was not struck by the gunfire. The following is a summary of the events that occurred, and the results of the investigation conducted by the DCI.

### **Synopsis**

On July 11, 2022, Sioux Falls Police Department Officer #1 and Officer #2 were on duty and conducting surveillance at 512 North Bahnson Avenue in Sioux Falls. The officers were driving an unmarked patrol vehicle. Officer #1 was driving the patrol vehicle and Officer #2 was seated in the front passenger seat. The patrol vehicle was equipped with emergency lights, siren, dash camera, and Mobile Data Terminal computer. Both officers were wearing SFPD issued ballistic vests that had patches clearly identifying them as police officers.

The SFPD had received a Crime Stoppers tip reporting that a parole absconder named Mario Reyes Rodriguez was armed with a long gun and may be in the area of 512 North Bahnson Avenue. Officer #1 and Officer #2 conducted surveillance on that apartment complex in an attempt to locate Rodriguez. The officers observed one male individual exit the apartment and get into the front passenger seat of a black Buick Enclave. The vehicle was being driven by a female. Officer #1 and Officer #2 observed the vehicle leave the apartment complex and travel west on East 6<sup>th</sup> Street. The officers ran the vehicle's license plate and discovered that the vehicle was registered to the driver. The officers confirmed the identity of the driver by her driver's license photo. The driver had a revoked driver's license. Officer #1 and Officer #2 were unaware of any additional occupants in the back seat of the Buick.

At approximately 1:59 P.M., the officers radioed to dispatch they were conducting a traffic stop on the Buick near the intersection of East 6<sup>th</sup> Street and Cleveland Avenue in Sioux Falls because the driver had a revoked driver's license.

Officer #1 activated their emergency lights to conduct a traffic stop on the vehicle. The Buick traveled south on Cleveland Avenue and pulled into the parking lot of a car wash just south of the 6<sup>th</sup> Street and Cleveland Avenue intersection. The Buick turned around in the parking lot and began driving in the direction of the Cleveland Avenue exit. The Buick came to a stop and Officer #1 pulled the patrol vehicle directly in front of the Buick. Officer #1 and Officer #2 exited the patrol vehicle.

Shortly after exiting the patrol vehicle, Officer #1 and Officer #2 observed an individual point a shotgun out of the partially opened rear driver's side window. At approximately 1:59 P.M., both officers discharged their duty weapons in the direction of the Buick's rear seat where the shotgun was brandished. The officers' rounds struck the vehicle numerous times without hitting or injuring the three occupants of the vehicle.

Immediately after SFPD Officers fired their weapons, the driver and front seat passenger exited the front passenger door. The driver and front seat passenger laid on the ground outside of the vehicle and complied with the officers' commands.

Mario Rodriguez exited the rear passenger door of the vehicle and began to crawl away from the vehicle. Rodriguez then ran into the car wash in an attempt to flee the area. Officer #1 confronted Rodriguez as he attempted to flee and gave him commands. Rodriguez exited the car wash office area

and began crawling across the parking lot. Rodriguez retrieved a cell phone from his pocket and appeared to record Officer #1 while yelling expletives and instructing Officer #1 to shoot him. Rodriguez failed to comply with the officers' commands and continued to crawl in the direction of the Buick. Officer #1 holstered his firearm and deployed his Taser on Rodriguez. The Taser was effective and allowed responding officers to take Rodriguez into custody.

While detaining Mario Rodriguez and searching his person, SFPD Officers located a glass pipe and baggie containing a white crystal substance.

Additional SFPD officers responded and assisted with detaining the driver and front seat passenger. A SFPD Officer and DCI Agents located a 20-gauge shotgun on the floor inside the vehicle directly in front of the rear driver's side seat. This is the same seat that Rodriguez was occupying at the time of the traffic stop. The shotgun was loaded with three live 20-gauge shotgun shells. There was also a black bag located near the rear seat where Rodriguez was positioned. The bag contained numerous items including glass pipes, knife, spent shotgun shell, marijuana paraphernalia, baggies with unknown white residue, digital scale and \$1,610 in fake currency. While detaining the front seat passenger, SFPD Officers located a glass pipe that contained suspected methamphetamine residue.

Rodriguez was treated for minor injuries and cleared on scene by medical personnel. DCI Agents and SFPD Officers secured the scene.

Mario Rodriguez was arrested for a parole absconder Warrant and housed in the Minnehaha County Jail. A criminal record check found that Rodriguez was a convicted felon and prohibited from possessing a firearm.

### **Shooting Scene Investigation**

The shooting scene was processed by the DCI and Sioux Falls Police Department Crime Lab Technicians, which produced items of evidentiary value that corroborated statements from the Sioux Falls Police Officers involved in the incident.

Agents recovered a 20-gauge shotgun from the rear seat floor of the Buick Enclave. The barrel of the shotgun was illegally shortened. The shotgun was loaded with three (3) unfired shotgun shells. The shotgun was located directly below the window that Officer #1 and Officer #2 saw Rodriguez point the shotgun from.

Twelve (12) 9mm casings were recovered from the area near the SFPD patrol vehicle. The casings were consistent with being fired from Officer #1 and Officer #2's duty weapons. It was determined that Officer #1 fired eight (8) rounds and Officer #2 fired four (4) rounds.

Officers located a glass pipe and baggie containing a white crystal substance from Rodriguez's person. The white crystal substance had a net weight of 7.22 grams. On July 14, 2022, a SFPD Forensic Laboratory Analysis confirmed that the substance was methamphetamine.

### **Interview with Sioux Falls Police Officer #1**

Officer #1 was interviewed by a DCI Agent on 7-18-22, at the Sioux Falls Law Enforcement Center.

Shortly after 1 P.M., Officer #1 and Officer #2 followed up on a Crime Stoppers tip that 10 to 12 suspected gang members were associated to an address in Sioux Falls at 512 North Bahnson Avenue.

When the officers arrived at the apartment complex, they observed a black Buick Enclave parked near the apartment identified in the Crime Stoppers tip. A female was in the driver's seat, the front passenger door was open, and a male subject was walking from the Buick to the apartment. The male repeatedly looked at the unmarked patrol car. Officer #1 suspected the male had identified the unmarked patrol car as belonging to law enforcement.

Officer #1 and Officer #2 left the parking lot and positioned themselves on a side street where they could observe both the front door of the apartment and the front half of the Buick. After approximately 10 minutes, the male passenger walked from the apartment toward the Buick. Officer #1 advised they ran the license plate number on the Buick and discovered that the driver's license status was revoked.

The Buick departed the parking lot, proceeded south on North Bahnson Avenue to 6<sup>th</sup> Street and then went west on 6<sup>th</sup> Street. The Buick turned south on Cleveland and Officer #1 activated the emergency lights at that time. The Buick traveled approximately one block before it turned into the parking lot of the car wash at 309 North Cleveland Avenue. The vehicle did not pull over immediately. The vehicle made a wide turn in the parking lot and began moving in the direction of their police vehicle and the exit. Officer #1 noticed bystanders in the car wash parking lot. The Buick stopped, Officer #1 and Officer #2 exited the patrol car wearing black bullet resistant external vests which displayed the word "POLICE" on the front and back. Their badges were also on the front of their vests.

Once they exited the patrol car, Officer #1 saw the barrel end of what they believed was a sawed-off shotgun come out of the driver's side rear passenger window. The barrel of the shotgun was pointed at Officer #1 and Officer #2. Officer #1 drew their duty weapon and fired approximately six (6) to eight (8) rounds at the driver's rear window and door. Officer #1 was afraid for their life and the safety of the bystanders who were nearby. Officer #1 heard other shots fired as well, assuming they were from Officer #2. Officer #1 retreated to the back of the patrol car and radioed for help. Officer #1 stayed behind the unmarked patrol car but relocated to the passenger side. The front passenger door of the patrol car was left open by Officer #2. Officer #1 moved to see the rear driver's door of the Buick. Officer #1 again saw what appeared to be the barrel of the shotgun at the window. Officer #1 fired two (2) to three (3) more rounds at the driver's side rear passenger window. Then, Officer #1 moved back around to the driver's side of the patrol car. Officer #1 heard Officer #2 say the suspect was running toward the car wash.

Officer #1 watched the rear seat passenger, later identified as Mario Rodriguez, enter the front office entrance area of the car wash. Officer #1 saw someone washing their car in a wash bay near the office area. Officer #1 positioned himself to protect anyone who might still be in the wash bay, and to deter Rodriguez from stealing the vehicle in the wash bay. The driver and front seat passenger of the Buick were lying down in the parking lot. They were given orders to remain where they were. Officer #1 heard the front seat passenger, who was lying on the ground, yell the name, "Mario." Officer #1 and Officer #2 saw there were no other occupants in the vehicle.

Officer #1 called out to Rodriguez and Rodriguez crawled out of the front office area of the car wash. When Rodriguez made it to the doorway, he yelled something like, "I'm gonna fucking...", and then reached for his pocket. Rodriguez pulled a cell phone out of his pocket and appeared to be recording the situation. Officer #1, having identified Rodriguez was no longer pointing a firearm at them, lowered their duty weapon and gave verbal commands. Rodriguez did not comply and was yelling. Rodriguez began crawling toward the Buick and refused to stop as Officer #1 and Officer #2 were directing him to. Officer #1 holstered their duty weapon and drew their Taser. Officer #1 continued to order Rodriguez to stop crawling toward the Buick. Rodriguez continued yelling and didn't stop crawling. Officer #1 and Officer #2 were able to secure Rodriguez in handcuffs following two (2) Taser deployments by Officer #1.

While they were placing Rodriguez in handcuffs, Officer #1 saw blood on the ground. EMS examined Rodriguez and determined that he did not suffer a gunshot wound. Rodriguez sustained scrapes and cuts from crawling on the ground through broken glass.

### **Interview with Sioux Falls Police Officer #2**

Officer #2 was interviewed by a DCI Agent on 7-18-22, at the Sioux Falls Law Enforcement Center. Officer #2 explained that they were on patrol in their unmarked patrol vehicle on the east side of Sioux Falls. Officer #2 previously received an anonymous tip reporting that Mario Rodriguez was a parole absconder and possibly armed with a firearm. SFPD Patrol Officers had received additional information that Rodriguez may have a box containing a "long-gun" style firearm.

On July 11, 2022, Officer #2 and Officer #1 received a Crime Stopper tip reporting that the occupants of 512 North Bahnson Avenue may be selling narcotics out of that apartment complex. It was believed that the occupants of the apartment may be parole absconders. Officer #2 and Officer #1 drove into the apartment parking lot and observed a black Buick Enclave.

Officer #2 observed a male walk away from the passenger side of the Buick to the apartment building and enter. The officers parked in a position where they could observe the Buick. Officer #2 observed a female in the driver's seat of the vehicle. The driver had a revoked driver's license. Using their MDT computer, Officer #2 was able to access the driver's license photo and Officer #1 positively identified the driver of the Buick.

Approximately 5 to 10 minutes later, Officer #1 observed an individual exit the apartment and walk to the vehicle. The male entered the Buick and sat in the front passenger seat. The Buick left the parking lot and began driving east on 6<sup>th</sup> Street. Officer #1 and Officer #2 began following the Buick.

The officers decided they were going to conduct a traffic stop on the vehicle because the driver had a revoked driver's license. The vehicle turned south on Cleveland Avenue when the officers activated their red/blue lights and conducted a traffic stop. The vehicle pulled into the car wash parking lot south of the intersection. Officer #2 watched as the Buick made a circle in the parking lot and began to head in the direction of the exit. Officer #2 observed bystanders in the parking lot.

Officer #2 was concerned that the vehicle was attempting to flee. Officer #2 recalled opening the passenger door of the patrol vehicle and yelling at the driver to stop the vehicle. Officer #2 saw and heard the front seat passenger telling the driver to keep going and "drive." Officer #2 was in close proximity (7 to 10 yards) from the vehicle when they heard a male voice coming from the back seat of the Buick. The male in the back seat yelled at Officer #2 and Officer #1. This was the moment that Officer #2 realized that someone was in the back seat of the vehicle. Officer #2 noticed that the rear driver's side window was partially down. Officer #2 immediately observed a shotgun barrel pointed out the back seat window in the direction of Officer #2.

Officer #2 could hear the male's voice, see the top of his head, and clearly identify a shotgun pointed in their direction. Officer #2 could not recall what the male yelled but recalled seeing the end of the shotgun barrel pointed in their direction.

Officer #2 said they feared for their life, the life of Officer #1, and the wellbeing of the bystanders that were in the parking lot. Officer #2 immediately drew their duty weapon and fired at the male in the back seat of the Buick. Officer #2 said the shotgun was pointed in their direction when deciding to discharge

the duty weapon. Officer #2 did not recall how many rounds were fired from their duty weapon. Officer #2 observed the rear driver's side window break.

Officer #2 momentarily lost sight of the male in the back seat after firing their duty weapon. Officer #2 retreated to the rear of the patrol vehicle. Officer #2 moved to the driver's side of the patrol vehicle and observed the driver and front seat passenger exit the front passenger side door of the Buick. The driver and front seat passenger laid on the ground as instructed.

Officer #1 observed the back seat male exit the vehicle through the back passenger door. Only one individual exited the back seat of the vehicle. Officer #2 watched as the male in the back seat stayed low and crawled away from the vehicle toward the car wash building. Officer #2 observed the male run in the direction of the car wash and enter a lobby area through a door. Officer #2 ran to a side door of the car wash lobby. Officer #2 observed the male "pop out" of the side door. The male saw Officer #2 and retreated back into the lobby area of the car wash.

Officer #2 informed Officer #1 that the male was inside the car wash. Shortly thereafter, Officer #1 had contact with the male suspect and was giving him commands to get on the ground and stop moving. Officer #2 said the male failed to comply with commands, reached into his pants pocket and retrieved a cell phone. The male was yelling at Officer #1 and crawling back to the vehicle. The male suspect told officers to shoot him as he was attempting to film the officers on his phone. Due to the suspect's failure to comply, Officer #1 deployed their Taser on the male. Additional SFPD Officers arrived, and the male suspect was taken into custody.

This male was identified as Mario Rodriguez.

### **Review of Videos**

Video captured the Buick Enclave traveling south on Cleveland Avenue and turning into the parking lot of 309 North Cleveland Avenue. The Buick made a wide turn in the parking lot and began traveling in the direction of the SFPD police vehicle and the parking lot exit. The SFPD patrol vehicle stopped in front of the Buick. Officer #1 and Officer #2 opened their doors and exited the patrol vehicle.

The Buick came to a stop directly in front of the SFPD patrol vehicle. The driver's side rear passenger window of the Buick was partially down. Video showed an object move in the rear passenger window. Immediately after the object in the window moved, Officer #1 and Officer #2 could be seen quickly ducking their heads. Officer #1 and Officer #2 drew their duty weapons and fired at the driver's rear window and door.

The front passenger door of the Buick opened, and the driver and front seat passenger exited the vehicle and laid on the ground. The rear passenger door opened, and Mario Rodriguez was observed exiting the back seat. Rodriguez crawled away from the vehicle and entered the lobby area of the car wash.

Officer #1 pursued Rodriguez and commanded him to exit the lobby area of the car wash. Rodriguez crawled out of the lobby door, pulled his cell phone out of his pants pocket, and appeared to record Officer #1 while cursing and stating, "Shoot me."

Officer #1 gave verbal commands to Rodriguez. Rodriguez did not comply and began crawling away. Officer #1 holstered their duty weapon and drew their Taser. Officer #1 continued to order Rodriguez to stop crawling toward the Buick. Officer #1 deployed their Taser, which was effective, and Officer #1 and additional SFPD Officers were able to secure Rodriguez in handcuffs.



The events recorded on video and audio were consistent with statements from Officer #1 and Officer #2.

### **South Dakota Forensic Lab Testing**

The three (3) firearms involved in this incident were sent to the South Dakota Forensic Lab for testing.

The firearms examined included: Officer #1's 9mm handgun, Officer #2's 9mm handgun, and the shotgun possessed by Rodriguez.

The shotgun possessed by Rodriguez had a shortened barrel which deemed it illegal.



**LEFT: The shotgun found in the Buick Enclave following the arrest of Mario Reyes Rodriguez. The firearm had a shortened barrel which deemed it illegal. Source: DCI**

**BELOW: The shotgun lies on the floor of the back seat of the Buick Enclave. Source: DCI**



### **Medical Reports**

Rodriguez was not struck by gunfire in this incident. He suffered minor scrapes and cuts while crawling away from the vehicle. Rodriguez was medically evaluated on scene by EMS and cleared without additional medical treatment.

Blood and urine samples were taken from Officer #1 after the shooting. Tests of these samples were negative for both drugs and alcohol.

Blood and urine samples were taken from Officer #2 after the shooting. Tests of these samples were negative for both drugs and alcohol.

### **Criminal History/Previous incidents**

The DCI conducted a criminal history check on Rodriguez. The records showed multiple arrests dating back to 2014 and as recent as February 4, 2022. These included arrests for Impersonation to Deceive Law Enforcement (3 arrests), Possession of Alcohol by a Minor, Possession of Marijuana, Obstructing a Police Officer, Possession of a Controlled Substance, and two arrests for Aggravated Assault.

A check of Sioux Falls Police Department and Minnehaha County Sheriff's Office records showed numerous contacts with Mario Rodriguez dating back to 2013. These contacts included various juvenile violations, drug possession, and a parole violation.

At the time of this incident, Rodriguez had an active felony Warrant for his arrest as a parole absconder.

### **Conclusion**

Based on the totality of the circumstances, reasonable officers present at the scene utilized deadly force in a situation that was tense, uncertain, and rapidly evolving. Mario Rodriguez was in possession of a firearm and pointed that firearm at law enforcement in a populated area of a business. The actions of Rodriguez placed the public and law enforcement in jeopardy. Rodriguez had the means and opportunity to use deadly force and was a clear and present danger to law enforcement and the public.

Based on the investigation conducted by the DCI, the crime scene reconstruction, evidence collected at the scene, and statements made by the involved officers, all were found to be consistent with the described events that occurred on July 11, 2022, in Sioux Falls, S.D.

It is the conclusion of this report and South Dakota Attorney General Mark Vargo that SFPD Officer #1 and SFPD Officer #2 were justified in firing their weapons and using lethal force.