

## **South Dakota Highway Patrol Shooting Summary Detailing Events from March 19, 2022**

On March 19, 2022, the SD Division of Criminal Investigation (DCI) was requested by the Hanson County Sheriff's Office and the South Dakota Highway Patrol (SDHP) to investigate a shooting that occurred in Hanson County near the intersection of 249<sup>th</sup> Street and SD Highway 25. The suspect, Ryan John Waldner (hereinafter referred to as Waldner) was fatally shot by a SDHP Trooper after firing multiple shots at law enforcement officers. The following is a summary of the events that occurred, and the results of the investigation conducted by the DCI.

### **Synopsis**

On 03-19-22, at approximately 7:40PM, the Hanson County Sheriff's Office, the South Dakota Highway Patrol and surrounding agencies were dispatched to the area of SD Hwy. 25 and 249<sup>th</sup> St. in rural Hanson County for a report of a male shooting at a neighbor.

The neighbor reported to dispatchers through a 911 call that they were in a vehicle and Ryan Waldner was shooting at them with a handgun. Several shots were fired in the direction of this neighbor by Waldner on a gravel road near Waldner's residence. Waldner was then picked up by a family member and returned to his residence. The neighbor was still in the area when they heard several more shots fired from the Waldner residence. The neighbor was unsure of which direction Waldner was shooting in.

Once law enforcement arrived in the area, they heard at least three (3) more shots fired from the direction of the Waldner residence located at 24900 SD Hwy. 25, Spencer, SD. Through previous investigations by the Hanson County Sheriff's Office and from neighbors' statements, it was discovered that the Waldner residence did not have a working phone. It was also believed Waldner was in the residence at the time with his spouse and at least two children.

The SD Highway Patrol Special Weapons and Tactics (SWAT) team was called to the scene to assist with the incident. One member of the team was among the initial officers on scene, arriving around 8PM. The SWAT team was informed by Trooper #1 that several females were seen exiting the residence and standing on the front porch. Some of these females appeared to be teenagers.

The SWAT team then approached the rural residence in the dark around 10:28PM in a Bearcat light armored vehicle to contact the females and/or Waldner. There was little to no cover for law enforcement to arrive at the residence. As they approached the residence, the SWAT team gave commands over a loudspeaker announcing that they were police and directed that any occupants should exit the residence with their hands up. Waldner then exited the residence, fired multiple rapid shots in an unknown direction and re-entered the residence. The Bearcat stopped on SD Highway 25 near the residence and the SWAT team continued to give commands over the loudspeaker.

While the firing by Waldner took place, the Bearcat was moved back a short distance and then back toward the residence.

At approximately 10:30PM, Waldner stood in the doorway of the residence and fired two to three (2-3) shots in the direction of the Bearcat. A female was heard screaming from the residence and several females were seen running inside the residence. Waldner retreated into the residence and again exited the door a few seconds later. Waldner then fired several more rounds at the occupied Bearcat vehicle, which was approximately 200 feet away. SWAT team members heard a "very loud ping" which was believed to be a bullet striking the Bearcat.

At this time, Trooper #1 fired one (1) shot at Waldner from approximately 195 yards, which struck Waldner in the chest. Waldner fell just inside the residence. Medics were called to the residence immediately after the scene was deemed safe and determined Waldner to be deceased.

DCI agents made contact with Trooper #1 and secured their duty weapon, a .308 rifle. One (1) spent casing was located by the firearm. The firearm contained one (1) unspent round in the chamber and a magazine with seven (7) unspent rounds.

### **Shooting Scene Investigation**

The shooting scene was processed by the DCI which produced items of evidentiary value that corroborated statements from the SDHP SWAT team members, and two neighbors involved in the earlier incident with Waldner.

Several spent casings were located on 249<sup>th</sup> Street, just west of SD Highway 25. The casings were strewn over approximately 1/3 mile. There were ten (10) 9MM casings and one (1) .45 auto casing located in this area. This was consistent with statements given by the neighbor as to where Waldner was shooting at them, and that Waldner chased them down the gravel road while shooting.

Inside the doorway of the house, a black colored .22 caliber pistol was in the same room as Waldner a short distance from his body. A .243 caliber rifle was also located a short distance from Waldner's body. Several spent casings of multiple calibers were located on the front porch and front yard area of the residence. The casings consisted of seven (7) .22 casings, twenty-three (23) 9MM casings, four (4) 12 gauge spent shotgun shells, twenty-two (22) .243 rifle casings and twenty-nine (29) .45 caliber casings.

A defect was located on the Bearcat vehicle rear passenger side wheel well. This circular shaped defect appeared to be a lead splash on the steel passenger rear wheel well behind the tires. South Dakota Forensic Lab testing later verified that this defect was consistent with a bullet impact. Swabs collected from the defect tested positive for lead residues consistent with the impact of a bullet.

One (1) spent .308 caliber casing was found in the location where the SWAT Team marksman was positioned (Trooper #1), along with the marksman/sniper's .308 rifle.

The South Dakota Highway Patrol mapped the crime scene under direction and supervision of DCI Agents.

### **Interview with SWAT Team marksman (Trooper #1)**

Trooper #1 was interviewed by two DCI Agents. Trooper #1 advised that they were on duty on 3-19-22 and overheard radio traffic of the initial incident. The SDHP was also called to assist with this incident, which was reported as a male chasing another individual down a road and actively shooting a firearm at that individual.

Trooper #1 was informed that the location of this incident was near 24900 SD Highway 25 in Hanson County. Trooper #1 arrived on scene and was briefed by Hanson County Sheriff's Office members as to the incident. As they were briefing, Trooper #1 heard two (2) separate shots fired from the direction of the Waldner residence. Trooper #1 was informed that Waldner's wife, and possibly two children, were still in the residence with Waldner. Trooper #1 advised that they had no previous interactions with Waldner.

Trooper #1 advised that they gained as much information on the incident and Waldner since Trooper #1 was the SWAT Team marksman. Trooper #1 then took up a position, along with a Hanson County Deputy, in an open field to the west of the residence to observe any actions and/or people at the residence, allowing Trooper #1 to relay information to other law enforcement members on scene. From this position, Trooper #1 was able to view the front of the residence, which faced west toward SD Highway 25.

During Trooper #1's time observing the residence, Trooper #1 was able to see several females exit the residence and stand on the porch on two separate occasions. These females appeared to be teenagers. After the females went back inside the residence, Trooper #1 observed a male wearing a white shirt pacing back and forth just inside the residence from the front screen door.

The male, identified as Waldner, opened the front door and Trooper #1 heard multiple rapid shots fired from the direction of the residence. The SWAT Team leader then advised Trooper #1 that they were going to make an approach to the residence to attempt to secure any people. As the Bearcat approached the residence, loud clear verbal commands were given over a loudspeaker that they were the South Dakota Highway Patrol, and they were instructing Waldner to exit the residence with his hands up.

As commands were being given, Trooper #1 observed Waldner approach the front door. Waldner opened the front door and stepped halfway out of the door and fired two or three (2 or 3) shots in the general direction of the Bearcat vehicle and the additional officers to the south of the residence. At this time, Trooper #1 heard what they believed to be a female scream from within the residence. Several females were seen running inside the residence behind where Waldner stood in the doorway.

Trooper #1 advised the SWAT team members that were in the Bearcat that Waldner had shot at them and to stand by. Trooper #1 had concerns for their team's safety and for the safety of officers located at the barricaded location just to the south of the residence. The SWAT team continued to give loud verbal commands from the Bearcat.

A few seconds after this, Trooper #1 observed Waldner step into the doorway holding a handgun in his right hand. Waldner fired several more rounds at the Bearcat. Trooper #1 heard one (1) round ricochet off the Bearcat, and Trooper #1 fired one (1) round at Waldner. Waldner fell just inside the doorway of the residence.

The information obtained from Trooper #1 was consistent with other statements received and with video of this incident.

**Interview with SWAT Team leader (Trooper #2):**

The SWAT Team leader, referred to as Trooper #2, was interviewed by a DCI agent. Trooper #2 advised that they were contacted by Trooper #1 and advised of an incident where one individual was shooting at neighbors. Trooper #2 advised that the SWAT team was requested to assist by the Hanson County Sheriff's Office.

Trooper #2 received further information that the suspect, Waldner, was at his residence with his wife and some children. Several gunshots were heard coming from the residence by other law enforcement officers. At this time, it was unknown if Waldner's wife and children were hostages or if they were injured.

After arriving on scene, Trooper #2 advised that the team was briefed on the situation, and they loaded into the Bearcat. Trooper #2 was seated in the front passenger seat. Trooper #2 was advised by Trooper #1 and by troopers in the SDHP airplane that at least four (4) people had been seen exiting the residence. Due to this information, Trooper #2 did not feel as though the wife and children were being held hostage nor were they injured.

At this time, Trooper #2 determined that an approach would be made to attempt to contact Waldner or his family. The red and blue emergency lights were activated on the Bearcat as they made the approach. Loud verbal commands were given over the loudspeaker identifying them as the police and directing all occupants to exit with their hands up. Some of the commands were directed at Waldner to exit the residence with his hands up.

Trooper #1 advised Trooper #2 that during the approach of the Bearcat, Waldner was leaning out of the front door shooting at them. Trooper #2 advised that they stopped the Bearcat and started to back up after it was determined that they were being fired on.

Trooper #2 was then advised by Trooper #1 that Waldner had gone inside the residence and then again exited out the door a short time later. Trooper #1 advised that Waldner was again shooting at them. Trooper #2 then heard a noise that they believed was a

bullet striking the Bearcat. Trooper #1 then advised that Trooper #1 fired one round at Waldner and that Waldner was down.

The Bearcat then approached closer to the residence and continued to call out toward the residence. Five (5) females exited the residence and were safely secured. The SWAT team returned to the residence and eventually made entry, finding Waldner deceased.

### **Interview with Hanson County Sheriff's Deputy (Deputy #1)**

A Hanson County Deputy present at the scene was interviewed by a DCI agent. Deputy #1 advised that they were dispatched to the area of 24900 SD Highway 25 in rural Hanson County for reports of Waldner shooting at a neighbor. After arriving on scene, Deputy #1 heard at least three (3) rounds fired from the direction of the Waldner residence.

Deputy #1 was assigned to accompany Trooper #1 to an open field west of the Waldner residence. Deputy #1 was using thermal imaging to observe actions at the Waldner residence. Deputy #1 witnessed several people going in and out of the residence at different times during this incident.

Just prior to the Bearcat approaching the residence, Deputy #1 heard a series of rapidly fired shots coming from the direction of the Waldner residence. A male was seen on the front porch during these shots. As the Bearcat approached the residence on SD Highway 25, the male was seen exiting the residence and firing two or three (2 or 3) shots in the direction of the Bearcat. Deputy #1 heard a loud ping which they believed to be a bullet striking the Bearcat. Trooper #1 then fired one shot and struck Waldner.

### **Other SWAT Team Member Interviews**

All other involved SWAT team members were interviewed by DCI agents. Those statements were from team members who were inside the Bearcat at the time of the shooting. The statements from those members were consistent with statements made by Trooper #1, Trooper #2, and Deputy #1.

Team members recalled hearing a "ping" sound which they believed to be a bullet striking the Bearcat. Shortly after this, they were advised that Trooper #1 had shot the suspect. Team members advised that although they were in the Bearcat light armored vehicle, they were concerned for their safety due to the vehicle not being bulletproof.

### **Review of Video from SDHP Airplane**

Video footage from the SDHP aircraft camera was reviewed. The footage shows the Waldner residence and surrounding property using a thermal imaging camera. The video shows multiple times where people are seen exiting the residence, standing on the front porch and then re-entering the home.

In reviewing the aircraft video footage, the Bearcat is seen approaching the residence on SD Highway 25 at 10:28PM and parking just west of the shelter belt to the south of

the residence. The footage then shows a person exit the front door and extend an arm with an object in their hand at approximately 10:30PM. There are five (5) visible muzzle flashes seen coming from this person through the footage. Radio traffic after those shots is heard stating the marksman fired a round and the subject was down.

The footage is consistent with statements made by SWAT Team members who were on scene and the interview with Trooper #1.

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

The South Dakota Forensic Laboratory (SDFL) conducted testing on the .308 rifle fired by Trooper #1 and the spent casing located. The testing concluded that the spent .308 casing located near the rifle was fired by Trooper #1's .308 rifle.

The SDFL conducted testing on the .45 caliber Kimber handgun recovered from the Waldner residence, several spent casings located on the Waldner property, as well as along 249<sup>th</sup> Street. west of the Waldner residence. The testing concluded that spent .45 casings located were fired from the .45 Kimber handgun recovered at the Waldner residence.

The SDFL conducted testing on the .243 rifle collected from the Waldner residence and several .243 spent casings located on the Waldner property. The testing concluded that the spent .243 casings were fired from the .243 rifle.

The SDFL conducted testing of the .22 Beretta handgun and several spent .22 casings found on the Waldner property. The testing concluded that the spent .22 casings located in the front yard and on the porch were fired from the .22 Beretta handgun pistol recovered near Waldner's body.

The SDFL tested swab samples from the defect on the wheel well of the Bearcat and concluded that the swab tested positive for lead residues consistent with the impact from a bullet. The defect to this area was found to be visually consistent with a bullet impact.

### **Medical Reports**

Medical records obtained from the Sanford Health Pathology Clinic indicate that Waldner was shot one time in the chest. The fired bullet traveled through the right lung, through the heart and then exited through his left shoulder. Toxicology results for Waldner were positive for THC.

A drug screen and blood alcohol test were conducted on Trooper #1 and were found negative.

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

A criminal history report produced on Waldner showed a DUI conviction in 2002 and one minor traffic violation.

The Hanson County Sheriff's Office made contact with Ryan Waldner in March 2022 to conduct a welfare check on concerns from other family members. As officers spoke with Waldner, he became very agitated. Waldner yelled at deputy's and told them not to come back to his property or "it wouldn't be good".

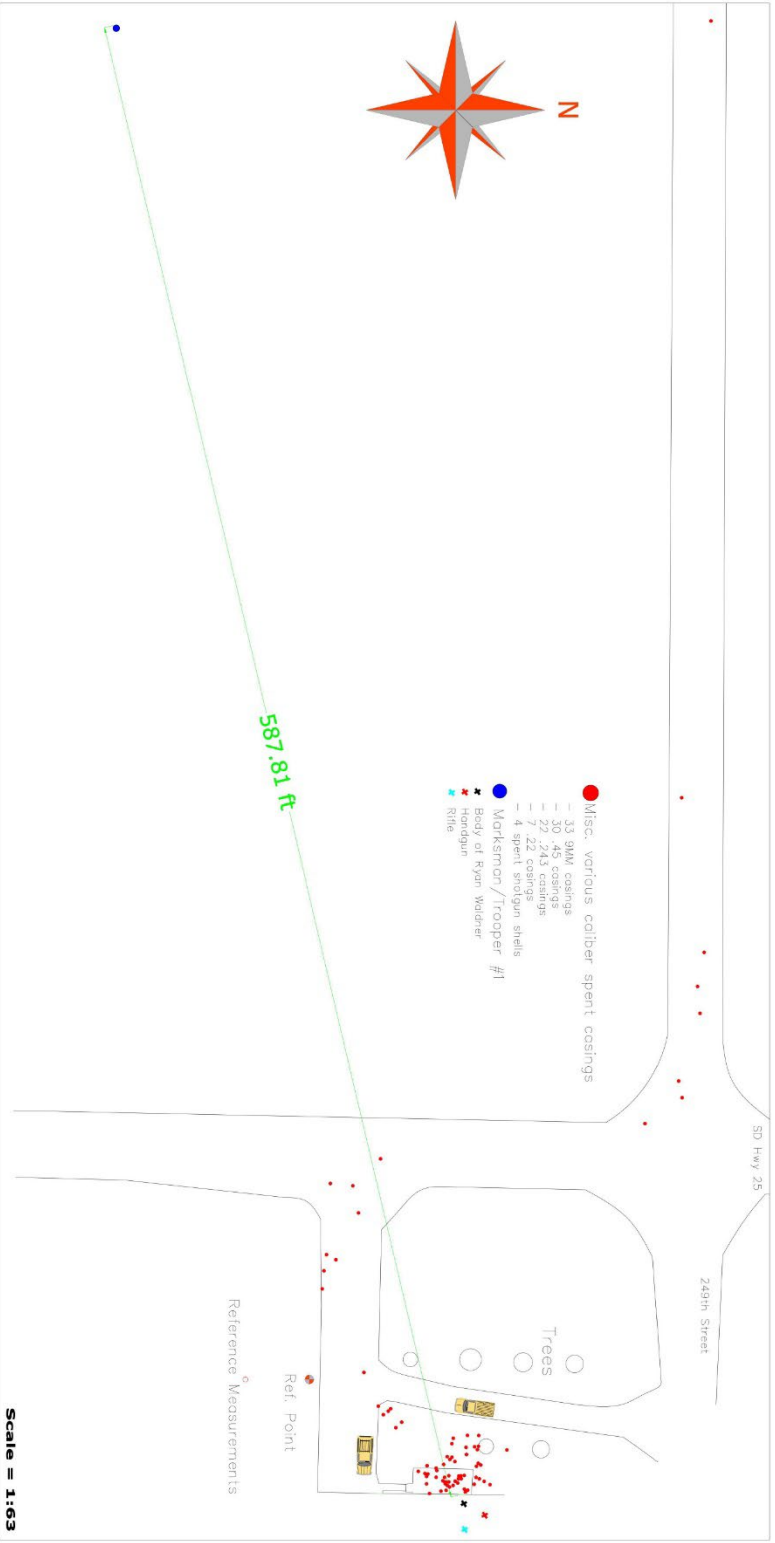
During an interview concerning this incident, a neighbor informed a DCI agent that recently they had an interaction with Waldner where Waldner claimed that he was the Lord. The neighbor found Waldner's unoccupied vehicle parked across SD Highway 25 completely blocking the roadway and found Waldner's mailbox knocked over. When the neighbor met with Waldner in his garage and asked him about the vehicle, Waldner stated that he was the Lord and that the neighbor needed to acknowledge that Waldner was the Lord. Waldner continued to tell the neighbor that he (Waldner) was the Lord and told the neighbor if they denied this that they would be "dead before leaving out of the door". The neighbor had to acknowledge that Waldner was the Lord by calling him the Lord and then Waldner allowed the neighbor to move the vehicle from the highway.

### **Conclusion**

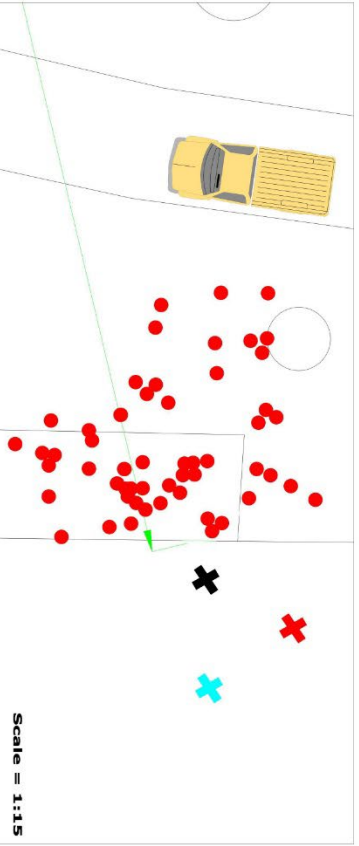
Based on the totality of the circumstances, a reasonable officer present at the scene utilized deadly force in a situation that was tense, uncertain, and building. Ryan Waldner was involved in an earlier altercation where he fired several shots at a neighbor, he possessed several firearms, failed to obey verbal commands, and fired several shots at law enforcement officers. Waldner demonstrated the ability to use deadly force and was a clear and present danger to law enforcement officers present at the scene. Trooper #1 observed what they recognized as a deadly weapon pointed and fired at other uniformed officers.



This information is based on the investigation conducted by the DCI, crime scene processing/mapping, law enforcement officers' statements, and lab results. All the information is consistent with the described events that occurred on March 19, 2022, in Hanson County, South Dakota.

It is the conclusion of this report and the South Dakota Chief Deputy Attorney General that Trooper #1 was justified in firing their weapon and using lethal force.



Scale = 1:63



 <p><b>SOUTH DAKOTA HIGHWAY PATROL</b></p>	
 <p><b>LEICA IMS</b> Precision Mapping Solutions</p>	
<b>Date of Occurrence:</b>	March 19, 2022
<b>Event:</b>	March 19, 2022
<b>Officer Involved Shooting</b>	
<b>Location:</b>	24900 SD Hwy 25
<b>City or Area:</b>	Rural Hanson County
<b>Investigating Agency:</b>	South Dakota Division of Criminal Investigation
<b>Case Number:</b>	20220669
<b>Mapped By:</b>	Trooper Jeremy Gacke, SA Isaac Voss
<b>Date Mapped:</b>	March 20, 2022