

Lawrence County Sheriff's Office Shooting Summary detailing events that took place on September 16, 2015

On 9-16-15, the South Dakota Division of Criminal Investigation (DCI) was called by the Lawrence County Sheriff's Office to conduct an investigation into an officer involved shooting that occurred near Rubys Way Road approximately 3 miles south of Lead, SD. The shooting incident resulted in the subject, Rory Gunderman, being shot 3 times. Gunderman was life-flight transported to the Rapid City Regional Hospital where he later died from his injuries.

The Lawrence County Sheriff's Office Deputies involved in the shooting were Sergeant Patrick Johnson, Detective Joseph Leveque, and Deputy Matthew McCroden.

The following information is a synopsis of the investigation that was conducted by the South Dakota DCI.

Synopsis

On 9-15-15, the Weston County Sherriff's Office in Wyoming received a report of a male individual that stole a vehicle at gun point. The vehicle was described as a white 2008 F350 with a Texas license plate and Midwestern Services Inc. on each of the front doors. The suspect was described as a thin built, white male wearing a black beanie, black vest, black jeans, and armed with an assault rifle.

On 9-16-15 at 10:59am, the Lawrence County Sheriff's Office dispatch received information that the stolen vehicle may be traveling into the SD area via Boles Canyon Road. Boles Canyon Road connects Highway 16 in Wyoming to Highway 85 in Lawrence County SD. Information of the stolen vehicle was passed on to Lawrence County deputies who began an active search for the vehicle.

Sgt. Patrick Johnson, Det. Joseph Leveque, and Deputy Matthew McCroden all left the Deadwood area southbound on Hwy 85 with a plan to separate to locations where the stolen vehicle may enter Lawrence County.

At approximately 11:12am, they encountered the stolen vehicle approximately 3 miles south of Lead coming from Rochford Road. All three deputies turned in behind the stolen vehicle to conduct a vehicle stop. The stolen vehicle was driving towards Lead at the time Sgt. Johnson activated his lights to stop the vehicle.

The stolen vehicle turned onto Powderhouse Trail, which is a dead end road into a new housing development. Sgt. Johnson continued the pursuit with his patrol vehicles lights and siren activated. The stolen vehicle accelerated away from the deputies and eventually came to an abrupt stop at the end of Powderhouse Trail near a residence. The driver of the stolen vehicle, who was later identified as 31 year old Rory Gunderman, fled on foot into a heavily wooded area with Sgt. Johnson pursuing on foot. Det. Leveque and Deputy McCroden drove to intercept Gunderman. They later exited their vehicles and also pursued Gunderman on foot. Gunderman was given verbal commands to stop by deputies.

Gunderman stopped running in a wooded area off of Rubys Way road while all three deputies were in close proximity. After they determined Gunderman had stopped running, the deputies stationed in locations that were spread out from one another. The deputies reported hearing gunshots come from Gunderman's location which was approximately 54 yards from the farthest deputy. All three deputies fired their duty weapons at Gunderman. Deputies reported shots fired and an ambulance was dispatched.

The deputies and responding law enforcement approached the area of Gunderman, secured him, and found a .38 caliber revolver under his body. Gunderman was found to have multiple gunshot wounds. Gunderman was unconscious but breathing prior to being transported by medical personnel.

Sgt. Johnson, Det. Leveque, and Deputy McCroden were contacted by DCI Agents. Sgt. Johnson and Deputy McCroden were wearing their issued law enforcement uniforms and Det. Leveque was wearing plain clothes. Their fired duty weapons and magazines were secured, documented, and inventoried. The inventory showed the following:

- Sgt. Johnson was missing 4 rounds of ammunition from his Glock duty handgun and magazine.
- Det. Leveque was missing 1 round of ammunition from his M16 duty rifle and magazine.
- Deputy McCroden was missing 4 rounds of ammunition from his AR15 duty rifle and magazine.

Deputy McCroden was wearing his body mic during the shooting incident with audio of the shooting incident being captured on his in-car camera.

In-car camera video was not captured of the shooting incident due to the ending location of the foot pursuit. Sgt. Johnson's and Deputy McCroden's in-car camera captured video of the events leading up to Gunderman fleeing on foot from the stolen vehicle.

Later, law enforcement located a campsite in rural Custer County, which was determined to be Gunderman's. A search of the campsite revealed a firearm, stolen property, and pipe bomb making materials.

On 9-17-15, Sgt. Johnson, Det. Leveque and Deputy McCroden were interviewed individually by DCI. All three Deputies explained hearing gunshots coming from Gunderman's location. All three deputies individually stated they feared for their life, the lives of each other and returned fire.

The information provided by these deputies is consistent with the shooting scene Investigation, the audio of incident, and each other. A drug screen and blood alcohol test was conducted on all three deputies with negative results.

Crime Scene and Witness Interviews

The Shooting scene investigation conducted by the Division of Criminal Investigation produced items of evidence that confirmed the in-car camera audio. Specifically, there were (5) .223 caliber shell casings found on scene and (4) .45 caliber shell casings found on scene. DCI forensic testing was conducted on the shell casings which confirmed that they were fired from the inventoried duty firearms of Sgt. Johnson, Det. Leveque, and Deputy McCroden.

There was a single bullet recovered from a tree at the shooting scene and determined to have a flight path from Gunderman's location to Sgt. Johnson's and Deputy McCroden's location.

Also recovered:

- .38 caliber Smith & Wesson 5-shot revolver holding (5) .38 caliber fired cartridge cases. This was found near Gunderman's location at the shooting scene.
- A .22 caliber 5-shot revolver holding (5) loaded rounds was recovered from Gunderman's person.
- (5) loaded .38 caliber rounds were recovered from Gunderman's person.

A search of the stolen F350 revealed a loaded .22 caliber rifle equipped with a folding stock.

DCI forensic testing was conducted on Gunderman's .38 caliber revolver which confirmed that it was capable of discharging ammunition and also confirmed that fired casings found in the revolver were fired by that specific weapon.

During the autopsy of Rory Gunderman, DCI documented that Gunderman had a gunshot wound to his left arm, a grazing gunshot wound to the back of his neck and a contact gunshot wound to the right side of his head. A lead bullet was recovered from Gunderman's head.

DCI forensic testing was conducted on the lead bullet recovered at the shooting scene and the lead bullet recovered at the autopsy. Forensic testing determined that they were both .38 caliber bullets but they did not have enough individual characteristics to confirm that they were specifically fired from Gunderman's revolver. The lead bullets are consistent with the loaded rounds found on Gunderman's person and inconsistent with duty rounds used by the deputies.

There were no civilian witnesses to the shooting incident.

A drug screen conducted on Gunderman tested positive for marijuana. A blood alcohol test was negative.

The Division of Criminal Investigation conducted a criminal history check on Rory Gunderman. The criminal history shows that Rory Gunderman had a single arrest in 2004 for Possession of a Controlled Substance out of Wyoming.

Investigation Results

It is the conclusion of this report and the Attorney General that Sergeant Patrick Johnson, Detective Joseph Leveque and Deputy Matthew McCroden were justified in firing their weapon and using lethal force.

The shooting scene investigation conducted by DCI is consistent with statements received from the Deputies present and the in-car audio/video.

The investigation shows that Rory Gunderman died from a self-inflicted gunshot wound to the head. A photo of the .38 caliber revolver is not included due to its visual condition.

