

Sioux Falls Police Department Shooting Summary Detailing Events That Took Place on October 6, 2019

On 10-06-19, The South Dakota Division of Criminal Investigation (DCI) was contacted by the Sioux Falls Police Department to investigate an officer involved shooting that occurred on North 6th Avenue in Sioux Falls, South Dakota. The shooting resulted in the suspect, Trent Wagner, being shot three times by police. Wagner survived his injuries. A Sioux Falls Police Officer was involved in the shooting. The following is a synopsis of the events that happened, and the results of the investigation conducted by the DCI.

Synopsis

On Sunday, October 6, 2019 at approximately 9:35 PM, an officer with the SFPD was dispatched to a residence in Sioux Falls for a weapons violation after a 911 call. The reporting party said their daughter had a relationship with Trent Wagner and Wagner came uninvited to their residence that day with a gun. SFPD Officer 1 and Officer 2 assisted with this call, as they are part of the Street Crimes Unit. The reporting party described Wagner's gun as an "old revolver style gun", silver in color, and approximately 10 inches long.

Officer 1 and Officer 2 left the reporting party's address in an attempt to locate Wagner. They were made aware of an attempt to locate (ATL) for Wagner issued on October 1, 2019 by his Parole Agent. Wagner was considered a parole absconder. The ATL mentioned Wagner had previously told his Parole Agent he "would die before he goes back to prison".

Officer 1 and Officer 2 located Wagner's vehicle parked in a driveway on North 6th Avenue. Shortly thereafter, a SUV pulled into the driveway and parked. Officer 1 and Officer 2 approached the SUV, identifying themselves as police, and Wagner exited the passenger seat and fled on foot. Officer 2 told Wagner, "Police. Hey, hands up. Get your hands up.", but Wagner continued to run. At the beginning of the foot pursuit, Wagner had the revolver in his right hand and fired one shot in an unknown direction as a foot pursuit ensued.

The foot pursuit continued southwest through yards as Wagner failed to follow the commands from Officer 1 and Officer 2 to "drop it", "drop the gun" and "stop". The foot pursuit slowed down on the south side of a shed in a backyard on North 6th Avenue. While on the south side of the shed, Wagner turned his body to the left and pointed the gun at Officer 1. Officer 2 fired three (3) rounds from his duty weapon with zero rounds striking Wagner.

Wagner continued running from the officers and failed to follow the commands from the officers to "drop it now" and "drop the gun". Officer 2 fired nine (9) more shots at Wagner, striking him three (3) times.

After being shot, Wagner was found lying on the east side of the shed with the gun in close proximity. Officer 1 moved the gun out of immediate reach of Wagner as Officer 2 and another SFPD Officer placed him in handcuffs. SFPD began to render aid to Wagner until EMS arrived.

Wagner was transported to a Sioux Falls Hospital where he was treated for his gunshot wounds. Neither Officer 1 or Officer 2 sustained injuries. The crime scene was secured by SFPD until DCI arrived.

DCI contacted Officer 2 at the Sioux Falls Law Enforcement Center (LEC). DCI documented Officer 2 was wearing a gray Carhartt hooded sweatshirt, blue jeans, Merrell Vibram shoes, a black leg holster, and a black external vest with the wording "POLICE" in white lettering on the front right and back at the time Wagner was shot. The vest also had a cloth Velcro SFPD badge on the left side. Officer 2's blood, urine, weapon, and magazines were secured, documented, and inventoried. The inventory showed the following:

- One 9mm Glock Model 17 Gen. 4 handgun with one live round in chamber
- Initial magazine used with five live rounds
- Magazine used for tactical reload with seventeen live rounds

Shooting Scene Investigation

The shooting scene investigation conducted by the DCI and SFPD Crime Scene Unit produced items of evidence that confirmed statements provided by Officer 1, Officer 2, and Wagner.

On the south side of the shed, there were three (3) spent 9mm casings located.

On the northeast corner of the shed, there were nine (9) spent 9mm casings located.

A hypodermic needle containing methamphetamine was located during a search of Wagner's vehicle.

The South Dakota Highway Patrol mapped the crime scene. A copy of the mapped crime scene has been attached to this report.

Interview of Sioux Falls Police Officer 2

On October 7, 2019, DCI interviewed SFPD Officer 2 at the Minnehaha County Sheriff's Office. Officer 2 said they were on duty on October 6, 2019 working in plain clothes as part of the Street Crimes Unit. Officer 2 was part of a two-person unit when they heard radio traffic about a weapons violation on North 8th Avenue. Officer 2 said they responded to the scene and learned Wagner walked into a residence while holding a gun at his side and people felt threatened. Wagner then fled the scene prior to law enforcement arrival.

Officer 2 recognized Wagner's name from seeing an ATL for Wagner. Officer 2 said that ATL mentioned Wagner's last statement to his Parole Agent was "he would die before he goes back to prison".

Officer 2 said they located Wagner's vehicle in what Officer 2 thought was the 3500 block of North 6th Avenue. Officer 1 and Officer 2 waited outside the residence to see if they could locate Wagner. Officer 2 said an SUV pulled into the driveway and parked next to Wagner's vehicle.

Officer 1 and Officer 2 approached the SUV from the rear as Officer 2 shined a light at the driver. Officer 2 immediately knew the driver was not Wagner. Officer 2 heard the passenger door open and recognized the passenger as Wagner. Officer 2 identified himself as "police", but Wagner immediately started running around the front of the SUV. Officer 2 pursued Wagner and told him to stop. Officer 2 tripped over an unknown object causing him to fall to the ground. Wagner continued to run in the direction of Officer 1.

During the foot pursuit, Officer 2 heard a “pop” noise. Prior to the “pop” noise, Officer 2 heard Officer 1 giving Wagner verbal commands.

Officers 1 and 2 continued pursuing Wagner on foot into adjacent yards. Officer 2 heard Officer 1 telling Wagner to “drop it”. Officer 2 had his flashlight out and observed a revolver in Wagner’s right hand. Officer 2 told Wagner to drop the gun. Officer 2 said Wagner had the gun up when he turned toward Officer 1 and started turning toward Officer 2. Officer 2 said Wagner failed to drop the gun, so Officer 2 fired several rounds at Wagner.

Officer 2 said Wagner ran westbound before going back north around a shed. Wagner then ran eastbound on the north side of the shed, before running back south on the east side of the shed. Officer 2 said Wagner continued to hold the gun in his right hand after being told to drop it. Officer 2 was fearful Wagner, at any second, could point the gun in their direction and fire at them. Officer 2 fired their duty weapon at Wagner with three (3) bullets hitting him.

When Wagner fell to the ground, Officer 2 saw the gun on the ground right next to him. Officer 1 and Officer 2 with another SFPD Officer approached Wagner. Officer 1 moved the gun away from Wagner and Officer 2 handcuffed him.

Officer 2’s interview and walk-through were consistent with witness statements, video/audio recordings of the incident, and the shooting scene investigation.

Interview of Sioux Falls Police Officer 1

On October 8, 2019, DCI interviewed SFPD Officer 1 at the SFPD. Officer 1 said they were working for the SFPD on October 6, 2019 in plain clothes as part of the Street Crimes Unit. Officer 1 was partnered with Officer 2 when they heard radio traffic about a weapons violation in progress on North 8th Avenue. Officer 1 and Officer 2 assisted with this call and learned Trent Wagner arrived at his ex-girlfriend’s parents’ house uninvited and had a “western style” gun on his side while speaking with his ex-girlfriend. Wagner’s ex-girlfriend told officers she felt threatened.

Officer 1 learned Wagner was possibly staying at a residence on North 6th Avenue. Officer 1 and Officer 2 drove by the address and located Wagner’s vehicle. While doing surveillance for Wagner, a SUV pulled into the driveway. Officers 1 and 2 approached the SUV and shortly thereafter Wagner exited the passenger seat and fled from the officers on foot.

Officer 1 said as Wagner ran east toward them near the front of the driveway, Officer 1 noticed a gun in Wagner’s right hand. Officer 1 told Wagner to “drop it”, but Wagner turned and ran to the southwest. Officer 1 pursued Wagner and Wagner turned toward Officer 1 with his elbows bent up and the gun pointed in the air. Officer 1 heard a “pop” noise believed to be a gunshot.

Officer 1 continued pursuing Wagner until they were near a shed in a backyard. Officer 1 said Wagner stopped running and pointed the gun at him as Wagner was moving the gun in a sweeping motion toward the east. Officer 1 heard Officer 2 giving commands for Wagner to “drop the gun”. Officer 1 then heard gunshots. Officer 1 was in fear of Wagner and felt he could have been shot by him.

Officer 1 said Wagner continued running and Officer 2 was now in front of Officer 1 in the foot pursuit. Officer 1 then heard more shots being fired. Officer 1 heard Wagner making loud noises as he was falling to the ground.

Officer 1 noticed Wagner's gun on the ground next to Wagner. Officer 1 and Officer 2 with another SFPD Officer who responded approached Wagner. Officer 1 moved the gun away from Wagner as Officer 2 handcuffed him.

Officer 1's interview was consistent with witness statements, video/audio recordings of the incident, and the shooting scene investigation.

Interview of Trent Wagner

On October 10, 2019 and October 16, 2019, DCI interviewed Wagner at the hospital. Wagner admitted to having a pistol in his pant pocket when he went to his ex-girlfriend's the evening of October 6, 2019.

Wagner said, upon returning to his residence, his roommate told him there was someone with a flashlight outside the vehicle. Wagner said he turned around to run and he jumped over a wood pile, at which time he tried to throw the gun, but it went off. Wagner admitted he wasn't supposed to have the gun since he is a felon.

Wagner described the pistol as a ".22 Luger".

Wagner said he removed the gun from his pocket when he was getting out of the SUV. Wagner said he "had a feeling the guys with the flashlights were cops", and he took the gun out of his pocket to get rid of it. Wagner said when the gun went off, it was pointed toward the ground.

Wagner said he ran around a shed to the southwest of where the foot pursuit initiated, and then he was shot. When asked if he still had the gun prior to being shot or shot at, Wagner said he thought so.

Wagner was told by law enforcement to get on the ground. Wagner then said he assumed they were not law enforcement because they were wearing sweatshirts and he was scared of them. Wagner later in an interview told investigators when he had the gun in his hand, he heard "something like police, don't move".

When asked about the comment he made to his Parole Agent, Wagner said he told his Parole Agent, "I didn't want to go back alive."

Wagner indicated that he tried to get rid of the gun in his possession during the foot pursuit. When asked why he kept the gun in his hands during the foot pursuit, Wagner said he "did not know".

Witness Interviews

One witness mentioned hearing people yelling in his backyard and someone say, "put your hands up". They then heard gunshots and someone yell, "shots fired". They then heard more yelling and gunshots.

Another witness mentioned seeing flashlights and heard yelling coming from the backyard. They couldn't understand exactly what was being said, but then heard several shots fired.

Another witness mentioned hearing someone yell, "stop". They then heard yelling and saw flashlights. They believed they heard a total of six (6) or seven (7) shots.

Review of the Officers' In-car Video, and Dispatch Logs

DCI reviewed the in-car video from the patrol vehicle of Officers 1 and 2. The patrol car camera shows the officers attempting to contact Wagner at the SUV and Wagner immediately starting to run around the front of the SUV after Officer 2 states, "Police. Hey, hands up. Get your hands up." Officer 2 continues to tell Wagner, "Don't move. Stop", but Wagner continues to run east toward Officer 1. Officer 2 is seen on video tripping and falling to the ground at that point.

Officer 1 is to the northeast of Wagner as Wagner runs toward him. Officer 1 tells Wagner, "stop, stop, stop" but Wagner changes directions and runs southwest. Officer 1 yells at Wagner, "drop it, drop it" at which time the audio depicted the sound of a gunshot from Wagner's gun. Wagner continues to flee southwest out of view of the camera; however, the audio continued to record.

The audio recorded Officers 1 and 2 chasing Wagner as Officer 1 yelled, "Drop it. Hey, get on the ground." and Officer 2 attempted to notify Metro Communication they were in a foot pursuit. Officer 1 then yells, "Drop it. Get your hands up now." Officer 2 then says, "Drop the gun. Drop the gun." just prior to Officer 2 firing three rounds. Officer 2 then says, "Drop the gun. Drop it." as they continue running. Officer 1 says, "Drop it now." and Officer 2 says, "Drop the gun." just prior to Officer 2 firing nine rounds. Officer 2 then says, "Drop the gun." as Wagner is heard screaming.

Officer 2 tells Officer 1, "The gun is right next to him." and to get back by "some cover". Officer 1 radios, "Suspect down. We don't have the gun yet. He is sitting on it." Officer 2 says the gun was on the left side of Wagner.

The gun was moved away from Wagner enough to allow officers to approach him to place him in custody. Medical care was then provided to Wagner by SFPD.

Dispatch logs show the officers located Wagner's vehicle on North 6th Avenue at approximately 9:49 PM. At approximately 10:25 PM, the officers notified dispatch, "Shots fired. Suspect down. Don't have gun." Dispatch logs are consistent with events documented from the patrol vehicle camera video and the statements of Officer 1 and Officer 2.

South Dakota Forensic Laboratory Testing

The South Dakota Forensic Laboratory (SDFL) conducted testing on SFPD Officer 2's duty weapon. They concluded the twelve (12) shell casings found on scene and the bullet collected from Wagner at the hospital were fired through Officer 2's duty weapon.

The SDFL tested Wagner's revolver and found it is capable of discharging ammunition as intended by the manufacturer.

A "The Regent" Model .22 revolver, an 8 shot cylinder, was located on the east side of the shed where Wagner was shot. The revolver contained one (1) .22 LR caliber spent casing, one (1) .22 LR caliber live round with defect on rim consistent with a firing pin strike (the round did not fire), and six (6) .22 LR caliber live rounds. A picture of the revolver is attached to this report.

Medical Reports and Criminal History

Twelve (12) rounds were fired and three (3) rounds entered Wagner. One round penetrated Wagner's sacrum, one round penetrated his right buttocks, and one penetrated his upper right back.

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

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

Wagner tested positive for methamphetamine by the South Dakota Health Laboratory.

A criminal history check for Trent Wagner shows prior charges and convictions for simple assault domestic violence, various alcohol and narcotic related offenses, stolen property offenses, burglary, committing a felony with a firearm, and aggravated eluding.

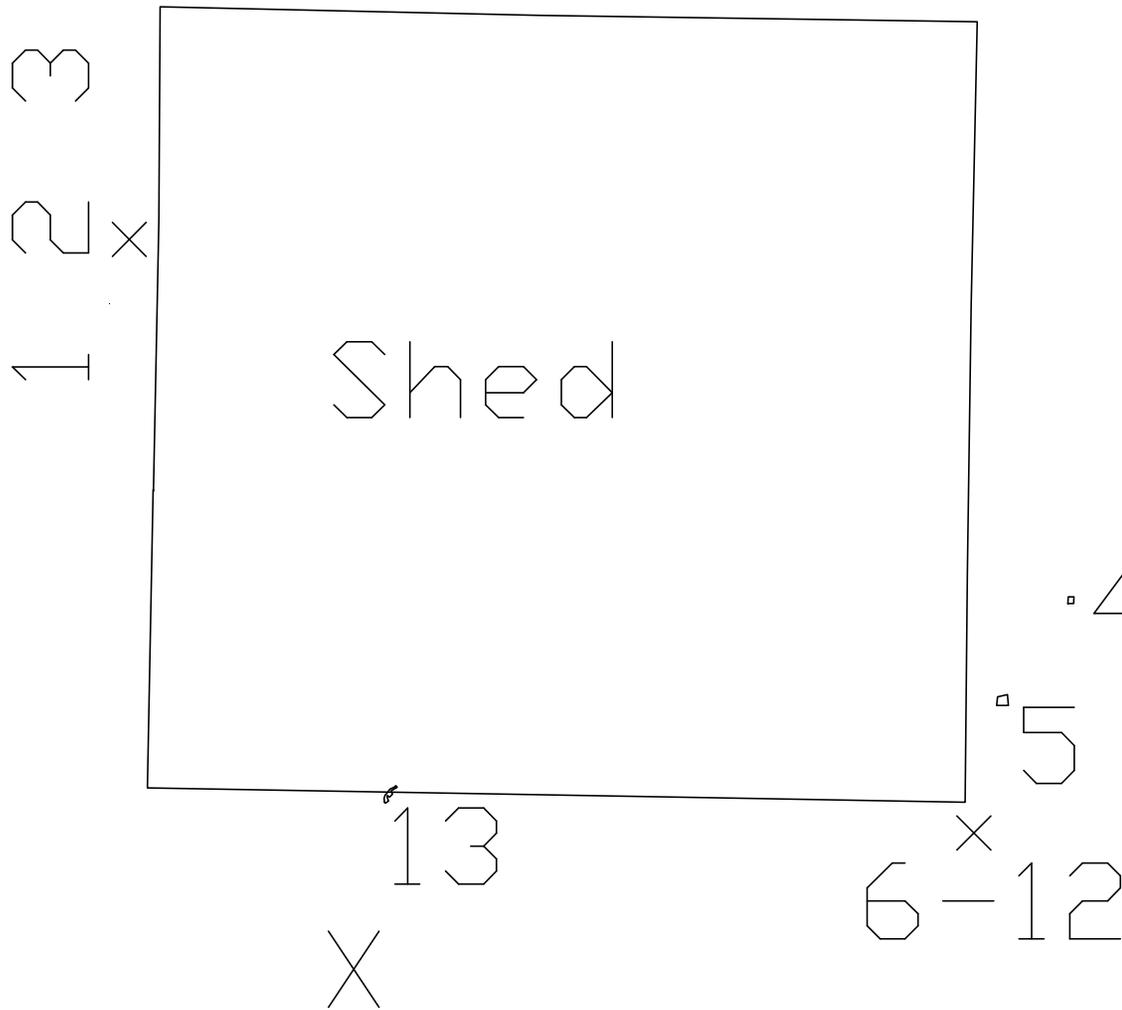
Investigative Results

Based on the totality of the circumstances, a reasonable police officer present at the scene in a situation that was tense, uncertain, and rapidly evolving would be justified in using deadly force. Trent Wagner had the means and opportunity to cause serious bodily injury and was a clear and present danger to both Officer 1 and Officer 2.

It is the conclusion of this report and the Attorney General that Officer 2 was justified in using deadly force.

Based on the investigation conducted by the DCI, the crime scene reconstruction, evidence collected at the scene, witness statements, and statements made by the officers, all were found to be consistent with the described events that occurred on October 6, 2019 in Sioux Falls, South Dakota.



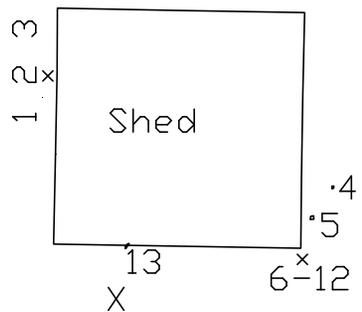


SCALE

Date of Incident: October 6, 2019
 Location: 3600 block North 6th Avenue, Sioux Falls SD
 Date Mapped: October 7, 2019

- Evidence List
- 1-3 Spent shell casings
 - 4 Spent shell casing
 - 5 Spent shell casing
 - 6-12 Spent shell casings
 - 13 Handgun

X
 Location of Trent Wagner after shooting



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0 5' 10' 20' 40'

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