

Whitewood Police Department Shooting Summary Detailing Events That Took Place on April 10, 2020

On 04-10-20, the Whitewood Police Department (WPD) called the South Dakota Division of Criminal Investigation (DCI) to conduct an investigation into an officer involved shooting that occurred at 1322 Laurel St. (Sonset Station) Whitewood, SD. The shooting resulted in Jaris Kroetch being shot one time. Kroetch suffered a serious but non-life-threatening injury to his right leg. The following information is a synopsis of the events that occurred on 04-10-20, and the investigation that was conducted by the South Dakota DCI and Lawrence County Sheriff's Office.

Synopsis

At approximately 11:15 AM on 04-10-20, a Whitewood Police Officer responded to 1322 Laurel Street (Sonset Station) for a report of a male acting erratically. The male was later identified as Jaris Kroetch. A clerk in the convenience store had described Kroetch as acting paranoid. Kroetch was murmuring to himself. His speech was slurred and stuttery. The clerk described Kroetch as being hyper. The clerk thought that Kroetch may have been on drugs.

The WPD Officer arrived and made contact with Kroetch. The Officer asked Kroetch for his identification, but Kroetch did not have identification on his person. Kroetch said his identification might be in his car. The Officer and Kroetch went outside, so Kroetch could attempt to locate his identification in his car.

Kroetch was unable to produce an identification. The Officer administered field sobriety tests to Kroetch. Prior to administering the field sobriety tests, the Officer patted Kroetch down for weapons. The Officer removed a knife from Kroetch's person. Kroetch performed field sobriety tests and failed. As the Officer attempted to place Kroetch in handcuffs, Kroetch resisted. He pulled away from the Officer and fled. Kroetch ran toward the gas pumps. The Officer pulled his/her Taser and gave verbal commands to Kroetch to stop or he would be Tased. Kroetch did not comply. The Officer deployed his/her Taser, striking Kroetch in the upper back. While the Officer was on top of Kroetch, attempting to detain him, Kroetch pulled the Taser probes out of his back and flipped the Officer over his back and onto the ground.

Kroetch then removed the windshield washer fluid containers from near the gas pumps and began to throw the fluid all over the pumps. The Officer drew his/her duty weapon and told Kroetch multiple times to get on the ground. Kroetch failed to comply, and instead, walked to his car and got into the driver's seat. While in the car, Kroetch grabbed a knife. The Officer fired one round from his/her duty weapon, striking Kroetch in the right thigh.

The Officer pulled Kroetch out of the vehicle. As Kroetch was pulled from the vehicle, the knife fell to the ground, and the Officer kicked it under the car. The Officer applied first aid to Kroetch's injury until medical personnel arrived on scene.

DCI Agents made contact with the WPD Officer. A DCI Agent documented that the Officer was wearing his/her Whitewood Police Department issued uniform. His/her duty firearm and magazine were secured, documented, and inventoried. The inventory showed the following:

- The Officer's duty issued Glock 9mm handgun had been cleared. No rounds were in the chamber.
- One loose, unspent 9mm round was recovered.

- The Officer's duty magazine contained 15 unspent rounds.
- Two spare magazines associated with the Officer's handgun contained 17 unspent rounds each.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI and Lawrence County Sheriff's Office produced items of evidence that confirmed statements given by the WPD Officer and witnesses present at the time of the shooting. Specifically, there was one 9mm shell casing found on scene, in Kroetch's vehicle, consistent with the area where the Officer fired his/her handgun.

A camouflaged colored folding knife with an approximate 3 ½" open blade was found on the ground, underneath Kroetch's driver's side door, confirming statements provided by the WPD Officer and a witness present at the time of the shooting.

Multiple knives, a stun gun, and drug paraphernalia were found in Kroetch's vehicle.

Interview of WPD Officer

On 04-11-20, DCI Agents interviewed the WPD Officer. The WPD Officer said that he/she was on duty with the Whitewood Police Department on 04-10-20. The Officer said that he/she received a call from Whitewood Police Chief Paul Witcraft, asking him/her to respond to the Sonset Station for a report of a male who was acting erratically. The Officer responded to the Sonset Station and made contact with a male, later identified as Jaris Kroetch. The Officer said that Kroetch was acting strange. Kroetch made a comment about how he believed someone was following him. The Officer described Kroetch as swaying, as though he were on some type of illegal drug. The Officer said that Kroetch was shaking as he was attempting to purchase items at the counter. Kroetch dropped cash on the floor and made no attempt to pick it up. The officer described Kroetch's eye as twitching and said that Kroetch was walking back and forth.

The Officer said that he/she asked Kroetch for his identification. Kroetch said that his ID might be in the car. Kroetch also said that he was being chased. The Officer said that Kroetch attempted to locate his ID, but he could not find it. The Officer said that he/she then administered field sobriety tests to Kroetch. Prior to administering the field sobriety tests, the Officer patted Kroetch down for weapons and removed a knife from Kroetch's person. The Officer said that Kroetch failed the field sobriety tests miserably.

The Officer said that he/she attempted to take Kroetch into custody, while standing at the hood of his/her patrol car. The Officer said that as he/she tried to place Kroetch in handcuffs, Kroetch pulled away and tried to grab him/her. The Officer said that Kroetch ran toward the gas pumps. The Officer said that he/she attempted to radio for backup. He/she also told Kroetch multiple times to stop, or that he/she would Tase him.

The Officer said that Kroetch failed to comply. The Officer Tased Kroetch. Kroetch fell to the pavement. The Officer said that he/she got on top of Kroetch and attempted to place him in handcuffs. While still experiencing the charge from the Taser, Kroetch pulled the Taser probes out of his back and flipped the Officer over his shoulder and onto the ground.

The Officer said that Kroetch then went toward the gas pumps. Kroetch grabbed the containers of windshield washer fluid and began throwing the fluid all over the gas pumps. The Officer said that Kroetch began running toward the convenience store across the street. He/she was concerned that Kroetch might harm the patrons and staff at that convenience store. The Officer

said that he/she pulled out his/her duty weapon and gave Kroetch multiple commands to stop and to get on the ground. Kroetch did not comply.

The Officer said that Kroetch ran back to his car and got into the driver's seat. Kroetch first attempted to start his car, but he had the wrong keys. The Officer said that Kroetch grabbed a knife with his left hand and made a thrusting motion with the knife. The Officer said that he/she fired one time, shooting Kroetch in the leg as Kroetch possessed the knife.

The Officer said that he/she pulled Kroetch out of the vehicle. Kroetch dropped the knife as he/she pulled him out of the vehicle. The Officer said that he/she kicked the knife underneath the vehicle so Kroetch could not get access to it.

The Officer said that he/she felt the Kroetch was coming toward him/her with the knife. The Officer said that he/she feared for his/her life and the life of other people in the area. The Officer said that he/she believed two things were going to happen. The Officer said that he/she believed Kroetch would have harmed him/her with the knife or the employees at the Sonset Station. The Officer had already tried utilizing the Taser. Kroetch had flipped him/her over his shoulder. The Officer said that he/she tried everything, and nothing worked.

The information obtained from the WPD Officer was consistent with the witness statements, video recordings of the incident, and the shooting scene investigation.

Witness Interviews

A witness at the Sonset Station said that she had contact with Kroetch, while Kroetch was in the Sonset Station Convenience Store. She described Kroetch as acting paranoid. His speech was slurred. He was stuttering and muttering to himself. Kroetch appeared to be hyper. She thought Kroetch may have been on meth or other drugs.

The witness said that when the WPD Officer arrived, the Officer made contact with Kroetch. They eventually went outside where the Officer had Kroetch perform field sobriety tests. The witness said that Kroetch appeared to have failed those tests. As the Officer attempted to place Kroetch in handcuffs, Kroetch resisted. Kroetch pushed the Officer away with his shoulder and ran toward the gas pumps.

The witness said that she saw the Officer Tase Kroetch. Kroetch hit the ground and pulled the taser probes out. The witness said that the Officer was on top of Kroetch trying to handcuff him again. Kroetch flipped the Officer over his head. The Officer landed on the ground. Kroetch then went toward the pumps and started throwing the windshield washer fluid all over the pumps.

The witness said that the Officer pulled his/her firearm out and gave Kroetch multiple commands to get on the ground. Kroetch did not comply. Kroetch ended up going back to his vehicle and getting into the driver's seat. Kroetch's vehicle was parked right outside the convenience store, near the laundromat.

The witness said that Kroetch did not comply with any of the Officer's commands. The witness said that the Officer shot Kroetch in the leg. When the Officer pulled Kroetch out of the vehicle, she saw a knife fall to the ground. The witness said that she saw the knife, in Kroetch's hand, as the Officer pulled him out of the vehicle after being shot. Kroetch dropped the knife after getting pulled out of the vehicle.

Another witness said he was sitting on the bench in front of Howdy's Whitewood Plaza, directly across the street from the Sonset Station. The witness said he noticed a WPD Officer attempting to administer field sobriety tests to a male (Kroetch) in the Sonset Station parking lot. The witness said the Officer attempted to handcuff Kroetch, but Kroetch ran between the gas pumps. The witness reported hearing the Officer tell Kroetch to get on the ground before "Tasing" him. According to the Officer, Kroetch fell to the ground, and the Officer again, attempted to handcuff him.

The witness said Kroetch got up and went to the other side of the gas pumps where he took hold of two squeegees and held them above his head. The witness said Kroetch dropped the squeegees before running towards the driver's side of his vehicle. The witness said that Kroetch got in the vehicle, but he could not tell if Kroetch was seated or not. The witness said that he heard the Officer say, "Get on the ground", before hearing one gunshot.

Another witness said that she was at Howdy's Whitewood Plaza, across the street from the Sonset Station, during the incident. She had gone outside and sat down on a bench that faced the Sonset Station. The witness said that she saw a WPD Officer administering field sobriety tests to a male (Kroetch). The witness described Kroetch as being animated with his hands.

The witness said Kroetch walked away from the Officer and went in between the gas pumps. She recalled hearing Kroetch say, "What did I do wrong."

The witness said that the Officer, "Tased" Kroetch. She said that the Officer attempted to handcuff Kroetch who had gone to the ground. The witness said that Kroetch was resisting the Officer's attempts to handcuff him and the Officer eventually went over the top of Kroetch.

The witness said that Kroetch walked to the driver's side of his vehicle. During this time, the Officer told Kroetch several times to get on the ground. The witness said Kroetch got in the vehicle and the Officer was nearby on the driver's side. The witness said that the Officer told Kroetch several times to get out of the vehicle and to get on the ground. The witness could not see the driver's side of Kroetch's vehicle from her position. She reported hearing one shot.

Video Evidence

Video/audio recordings from the patrol car camera, the Officer's body-worn camera, and surveillance video from the Sonset Station and Howdy's captured the incident. Video and audio from the Officer's body-camera captured the Officer administering field sobriety tests on Kroetch, in the parking lot of the Sonset Station. At the conclusion of the tests, the Officer told Kroetch to put his hands behind his back. Kroetch refused. As the Officer attempted to place Kroetch in handcuffs, Kroetch pulled away from the Officer and backed up. The Officer told Kroetch to turn around and put his hands behind his back.

Kroetch said, "I'm not gonna do it, man."

Kroetch then ran from the Officer, toward the gas pumps. The Officer radioed dispatch, requesting they send another unit. The Officer's body camera fell to the ground near the vehicle. Audio from the camera captured the Officer utilize his/her taser. The Officer again, told Kroetch to get down.

Video from the Sonset station captured part of the exchange between Kroetch and the Officer near the gas pumps. Video depicted Kroetch's legs, prone on the pavement. A few seconds later, the Officers legs flipped up and over Kroetch. Both Kroetch and the Officer get to their

feet. Video depicted Kroetch push the Officer away and exit the frame. The Officer then drew his/her firearm and walked in the direction Kroetch fled.

Audio from the Officer's body-camera captured the Officer give Kroetch multiple commands to get on the ground. Kroetch did not comply. The Officer then told Kroetch to get out of the vehicle. The Officer told Kroetch that if he put the keys in the vehicle, he/she would shoot him. Audio from the Officer's body-camera captured one gunshot just as the vehicle started.

South Dakota Forensic Lab Testing

The South Dakota Forensic Laboratory conducted testing on the Whitewood Police Officer's handgun. They concluded that the 9mm shell casing found on scene matched the WPD Officer's Glock 17, 9mm handgun.

Medical Reports and Criminal History

A drug screen and blood alcohol test were conducted on the Whitewood Police Officer with negative results.

Hospital staff documented that Kroetch had been shot one time. One spent round was recovered from Kroetch's left leg.

Toxicology results showed that Kroetch had methamphetamine and marijuana in his system. Kroetch's blood alcohol content (BAC) was negative.

DCI conducted a criminal history check on Jaris Kroetch. Kroetch had multiple arrests and convictions on his record. Kroetch was convicted for assaults on law enforcement. Kroetch had previous convictions for Escape/Obstruction of Law Enforcement, Simple Assault, Aggravated Eluding, and DUI.

Investigation Results

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. Jaris Kroetch had resisted arrest and attempted to flee the Officer. After refusing verbal commands to stop, Kroetch was Tased. Kroetch pulled the Taser probes from his body and flipped the Officer over his back while trying to be detained a second time. Kroetch continued to disregard the Officer's verbal commands and entered his vehicle. While in his vehicle, Kroetch produced a knife during the exchange with the Officer. The Officer observed what he/she knew was a deadly weapon directed at him/her. Kroetch had the means and opportunity to use deadly force and was a clear and present danger to the Officer and others present at the scene.

It is the conclusion of this report and the Attorney General that the Whitewood Police Officer was justified in firing his/her weapon and using lethal force.

The DCI crime scene investigation and review of the videos are consistent with statements received from the Whitewood Officer and other witnesses.