

South Dakota Highway Patrol Shooting Summary Detailing Events That Took Place on December 3, 2016

On 12/03/16, the South Dakota Division of Criminal Investigation (SDDCI) was called by the South Dakota Highway Patrol (SDHP) to conduct an investigation into an officer-involved shooting that occurred near the intersection of West 7th Avenue and Green Street in Yankton. The shooting resulted in the suspect, Curtis Wayne Adams, Sr., being shot once by law enforcement. Adams also received a self-inflicted gunshot wound to his neck. Adams survived his injuries. The SDHP Trooper involved in the shooting was SDHP Trooper Kayne Weaver. The following is a synopsis of the events that occurred on 12/03/16 and the investigation that was conducted by the DCI.

Synopsis

On 12/03/16 at approximately 10:05 PM, Trooper Weaver was on duty and patrolling near the intersection of Highway 50 and Highway 52 West of Yankton when he observed a minivan conduct an illegal U-turn on Highway 50. Trooper Weaver then attempted to conduct a traffic stop with the subject vehicle, which eventually led to a pursuit traveling East on Highway 52 toward Yankton. During the pursuit, the driver, later identified as Curtis Wayne Adams, Sr., displayed a handgun outside the driver's side window of the vehicle he was driving, causing Trooper Weaver to notify dispatch and other law enforcement. Law enforcement officers from Yankton County Sheriff's Office and Yankton Police Department that were assisting in the pursuit were able to deploy spike strips on Adams' vehicle as it approached Yankton city limits. The pursuit eventually ended in the yard of a residence located at 615 Green Street in Yankton.

Trooper Weaver, having parked his marked patrol vehicle behind Adams, exited his vehicle and initiated a "felony" stop. This consisted of Trooper Weaver taking a position behind his driver's door and giving loud verbal commands to Adams to exit his vehicle. Within a second of the Trooper giving verbal commands, a shot was fired from within Adams' vehicle out the back window toward Trooper Weaver. Trooper Weaver then retreated to the rear passenger side of his patrol vehicle and again gave loud verbal commands to Adams. Another shot was fired from within Adams' vehicle at which point Trooper Weaver returned fire into the vehicle. Trooper Weaver fired 10 rounds at Adams while Adams continued to shoot from within the vehicle. One of the rounds fired by Trooper Weaver struck Adams in the right rear shoulder. Adams eventually fell out of the driver's side door of his vehicle, at which time officers placed him in handcuffs.

Adams was given medical treatment at the scene by officers until medical personnel arrived. While being treated, he indicated that he shot himself in the neck because he wanted to die and was self-medicating with heroin. Adams was then transported to Avera Sacred Heart Hospital in Yankton before being Careflighted to Avera McKennan Hospital in Sioux Falls. The immediate scene was secured by the Yankton Police Department until DCI was able to respond.

DCI Agents made contact with Trooper Weaver. DCI Agents documented that the trooper was wearing his issued SDHP uniform. Trooper Weaver's blood, urine, weapon, magazine and remaining duty ammo were collected. The trooper's duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- One .40 caliber handgun containing 12 rounds in the magazine and 0 rounds in the chamber.

- The Trooper's initial magazine that was left at the scene had 2 rounds remaining. His additional duty-issued magazine contained 12 rounds of ammunition. Trooper Weaver carried 37 total rounds (12 in each of 3 magazines, and 1 in the chamber).

Review of Patrol Car and Body Worn Microphone Recordings: Audio and Video

Trooper Weaver's video begins just before he attempts to initiate the traffic stop. The recording does not show the illegal U-turn occur; however, headlights can be seen shining off the road and ditch that are consistent with a vehicle conducting a U-turn. During the pursuit, Adams can be seen holding an item out the driver's side window of his vehicle that is consistent with a revolver. Once the pursuit stops at 615 Green Street, Trooper Weaver can be heard giving loud verbal commands to Adams just prior to a "pop" being heard. Simultaneously, a portion of glass breaks outward from the lower left side of the rear window of the minivan. Via the camera located in the rear seat of the trooper's patrol vehicle, Trooper Weaver can then be seen at the rear passenger side of his vehicle. Trooper Weaver gave more loud verbal commands prior to another "pop" being heard. Trooper Weaver can then be seen returning fire toward the minivan.

In reviewing Yankton Police Officers' body worn microphones, Adams can be heard telling officers and medical personnel that are treating him that he shot himself in the neck and that he wanted to die. Adams also can be heard saying that he was self-medicating with heroin.

Shooting Scene Investigation and Interviews

Based on DCI interviews with officers involved and the scene investigation, the following information was gathered during this investigation:

On 12/04/16, DCI Agents and members of the South Dakota Forensics Laboratory processed the shooting scene for evidence. Found directly behind the trooper's patrol vehicle was one .40 caliber casing. Found near the rear passenger side of the trooper's patrol vehicle was a Sig Sauer magazine containing two live rounds. Found further north of the passenger side of the trooper's vehicle were nine .40 caliber casings. Found near the passenger side of the trooper's patrol vehicle was one .40 caliber live round. An examination of the minivan revealed that at least five shots were fired from inside of that vehicle. Four of those shots are consistent with being fired from the driver's area through items in the rear of the vehicle and out the rear window toward the trooper's location. One of those four shots resulted in glass fracture characteristics that revealed the first bullet compromised the integrity of the rear window of the minivan traveling from inside the vehicle to outside the vehicle toward Trooper Weaver. It appears the fifth shot that was fired from inside the minivan was fired through the sunroof above the driver's seat. There were five spent .22 caliber casings and one spent 9mm casing recovered from within the minivan. Multiple other live rounds were also recovered from the minivan. Also recovered from the driver's compartment area of the minivan were two .22 caliber revolvers and one 9mm semi-automatic handgun. Other firearms were also recovered from the rear of the minivan. Underneath the driver seat of this vehicle, DCI Agents found several baggies of suspected controlled substances. These baggies were tested at the SD Health Laboratory and found to contain methamphetamine, heroin, and THC.

On 12/06/16, DCI interviewed Trooper Kayne Weaver. Trooper Weaver explained that on 12/03/16, he was on patrol west of Yankton when he observed a vehicle (minivan) make an illegal U-turn on Highway 50. Trooper Weaver then attempted to conduct a traffic stop with this vehicle by activating his emergency lights. Initially, the minivan did pull over but, as Trooper Weaver was exiting his vehicle to make contact, the minivan sped off and a pursuit began. As

Trooper Weaver was pursuing the vehicle at speeds up to 86 mph, he observed the driver of the minivan hold his arm out the window. The trooper observed what he believed to be a revolver in the driver's hand being pointed in the air. Trooper Weaver said that other law enforcement assisted in the pursuit and that the pursuit eventually ended in the yard of a trailer house located at the intersection of West 7th Avenue and Green Street in Yankton.

Trooper Weaver said that once the minivan came to a stop, he initiated a "felony" stop in which he took up a position behind his driver's side door and gave loud verbal commands to the driver of the vehicle. Trooper Weaver said he then heard a "pop" and saw glass breaking out of the lower left side of the rear window of the minivan. Trooper Weaver believed that the driver of the minivan was shooting in the direction of the driver's side of his patrol vehicle; therefore, he retreated to the rear passenger side of his patrol vehicle. Trooper Weaver said he again gave loud verbal commands to the driver and shortly after heard another "pop". At that time, Trooper Weaver thought his life and the life of the other law enforcement officers that were present were in danger due to the fact that the driver of the minivan was firing in their direction. Trooper Weaver said he then returned fire into the minivan. Once he had ceased firing, he performed a magazine change and racked his firearm. Trooper Weaver said that he later learned that his second magazine was not fully seated when he racked the firearm; therefore, a round did not chamber into the weapon.

The Trooper's blood and urine were submitted to the South Dakota Health Laboratory for testing. The results later indicated negative for alcohol and/or controlled substances.

On 12/12/16, DCI attempted to meet with Adams at the hospital; however, he refused to give a statement.

The South Dakota Forensic Laboratory (SDFL) examined the 10 fired casings found on the ground at the shooting scene and determined that all 10 casings had been fired by Trooper Weaver's Sig Sauer duty weapon.

Forensic testing was conducted by the SDFL on the three firearms that were recovered in the driver's compartment of the minivan. Adams' DNA was found on the trigger and muzzle of both .22 caliber revolvers. A partial DNA profile and weak DNA types were obtained from the trigger and muzzle of the 9mm handgun; however, the DNA was not suitable for comparison. Further testing revealed that the five fired .22 caliber rounds were fired by one of the .22 caliber revolvers that was recovered from the minivan. Also, the fired 9mm round was fired by the 9mm semi-automatic handgun that was recovered from the minivan.

Medical Reports and Criminal History

- One (1) round fired by Trooper Weaver entered Adam's rear upper back and lodged in his right scapula.
- One (1) round fired by Adams entered the front of his neck and exited the rear of his neck.
- Medical records indicate Adams' blood was negative for alcohol. His urine indicated positive for methamphetamines, amphetamines, cannabinoids, and opiates.

- A criminal history check on Adams indicates that he had an active Arrest Warrant at the time of the pursuit and shooting for possession of marijuana. Adams has multiple prior arrests and convictions for felony level drug related offenses including possession and distribution of controlled substances including methamphetamine as well as misdemeanor level drug related offenses, assault, and theft.

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 rapidly evolving. Adams had the means and opportunity to use deadly force and was a clear and present danger to Trooper Weaver as well as other law enforcement officers at the time.

It is the conclusion of this report and the Attorney General that Trooper Kayne Weaver was justified in firing his weapon and using lethal force.

Based on the investigation conducted by the DCI, the crime scene reconstruction, evidence collected at the scene, witness statements, and statements made by officers were found to be consistent with the described events that occurred on 12/03/16.



