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December 22, 2021

Darrell G. Meyer
Hardin County Attorney's Office
1201 14th Ave 2nd Fl
Eldora IA 50627

RE: OIS – Jared Risius

Dear Darrell:

Your office requested the Iowa Attorney General's Office review the circumstances of a shooting incident that occurred in the city of Iowa Falls on Wednesday, December 8, 2021. Officers from Iowa Falls and Hardin County responded to a report of an ongoing stalking event by Jared Risius on a female who had recently been in a relationship with him. It was reported that Risius was armed. At your direction, the sole purpose of our review is to determine if the actions of the officers were legally justified in their use of deadly force against Risius.

This officer involved shooting incident was investigated by the Iowa Division of Criminal Investigation. I have had a full opportunity to review the findings with the case agent. Relevant body worn and in-car camera video was available and has been reviewed. The DCI assigned case agent also interviewed Troopers Corey Smock and Jeremy Schaffer along with several eyewitnesses to the incident. The summary below is based on conversations and review of the investigation with the case agent.

On December 8, 2021, at approximately 7:03 a.m., the Iowa Falls Police Department and the Hardin County Sheriff's Office responded to a request for assistance from a female regarding a male, later learned to be Jared Risius, that was presently engaging in stalking behavior by following her SUV vehicle in a black Audi. Risius and the female were previously in a relationship, which the female had attempted to end.

While officers attempted to locate the female, they stayed on the phone with her, and heard her describing how Risius was trying to use his vehicle to stop her vehicle. Officers were finally able to locate the female being followed by Risius, near

the area of Siloam Avenue and River Street in Iowa Falls. Officers witnessed Risius strike the female's vehicle with his vehicle, with both vehicles coming to a stop next to each other in the street. Officers took defensive positions and ordered Risius out of the vehicle. When officers arrived, they observed a female crouched on the passenger side, outside of the vehicle and out of the sight of Risius. Officers were able to get the female to safety. The female later told investigators that shortly after Risius struck her vehicle, bringing it to a stop, Risius pointed a firearm in her direction, causing her to retreat out of her vehicle to the place where officers observed her. Risius refused commands by the officers and told officers that he had a gun and was not going to jail. Officers observed what appeared to be a firearm in the possession of Risius. Risius' vehicle appeared to be disabled, while the female's vehicle remained running and operational. A nearby elementary school and Ellsworth Community College were placed on lockdown to protect students. Officers could also observe bystanders and onlookers in their homes in the neighborhood. The concern for officers was that if Risius left the area innocent people would be put in grave danger.

Iowa State Patrol (ISP) Troopers were requested to assist with the incident and began to respond to the area. After several Troopers responded to the area, they began to set up a tactical response. Officers began utilizing repeated commands for Risius to leave his weapons in the vehicle, to come out empty handed and to walk back to where the Troopers were located. For a large segment of the incident, Risius remained out of view of law enforcement, appearing to be slouched down inside his vehicle while periodically raising his body to a sitting position. Risius continued to refuse commands to disarm himself and end the incident peacefully. At approximately 7:57 a.m., Risius exited the Audi he had been driving. He was observed to be in possession of a firearm. The firearm was also observed to be attached to Risius' body via a sling device. An Iowa State Trooper fired a less-than-lethal round at Risius, striking him in the left leg. This round appeared to have no effect on Risius as he proceeded to move from his vehicle and position himself at the hood of the SUV that had been driven by the female. Risius was observed to be armed with a firearm by officers and Troopers at the scene. Troopers continued to call to Risius with commands however, Risius continued to refuse them. Trooper Jeremy Schaffer could be heard stating to other officers that Risius could not be allowed to leave the area. Risius then came from the area in front of the SUV, towards the Troopers, and entered the SUV through the passenger side leaving the door open. As he did so, Trooper Corey Smock fired one shot at Risius while a simultaneous less-than-lethal shot was fired by another Trooper. Neither shot appeared to disable Risius. Once Risius entered the front passenger side, he was observed taking a position on the front driver's side. Soon after Risius took that position, the brake lights of the SUV illuminated which indicated to officers that Risius was attempting to operate the vehicle and flee into the surrounding area. At 7:59 a.m. Trooper Schaffer fired a single shot through the back window of the SUV that struck Risius in the head killing him instantly.

Risius was pronounced dead at the scene by medical personnel. Risius was found to have a loaded .410 sawed off shotgun slung to his body, with additional rounds found inside the magazine of the firearm and in his vehicle. It was also discovered that the Audi vehicle that Risius was driving had been stolen on the evening of December 7th, into the early morning of December 8th, 2021, from an auto dealership in Ames, Iowa. An autopsy determined that Risius suffered two gunshot wounds, one to his right arm and one to his head, with the wound to the head being the fatal wound.

Trooper Smock and Trooper Schaffer were interviewed by Special Agent Scott Reger on December 10th, 2021. During the interview both officers appear to have excellent recall of the events. There was a diagram of the scene that was utilized with both officers and they walked Agent Reger through the events including their decisions and the reasons why they fired. All statements appear consistent and do not contradict video from any body camera or vehicle, and do not contradict the physical scene or any of the witnesses to the incident.

In order to be justified, the force used by Trooper Smock and Trooper Schaffer must have been reasonable. Reasonable force is that force which a reasonable person, in like circumstances, would judge necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another and it is reasonable to believe that such force is necessary to resist a like force or threat. Iowa Code 704.1, 704.2 and 704.3.

In *Graham v. Connor*, 490 U.S. 386 (1989) the United States Supreme Court held that the use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances. Under *Graham*, reasonableness of police use of force cannot be evaluated from the perspective of a civilian nor can it be evaluated with a clearer vision afforded by 20/20 hindsight. The Court further stated that the fact law enforcement officers often are required to react quickly in tense, uncertain, and rapidly evolving situations are factors that must be considered in determining reasonableness. Since *Graham*, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied.

At all times during law enforcement's contact with Risius, he was armed with a loaded firearm and posed a direct threat to them and to others in the area. Officers on scene made repeated efforts to end the confrontation peacefully and with less-than-lethal means. If Risius would have ceased his behavior and allowed officers to take him into custody, there would have been no need for the use of further force. Because of Risius' s actions in attempting to flee the scene with a loaded firearm into a residential area and the fact there were numerous innocent bystanders, including school children

and other citizens in their houses in the area, officers were left with no other reasonable choice than to shoot Risius.

The actions of Trooper Smock and Trooper Schaffer on December 8, 2021, were entirely legally justified. Risius provided no other option to officers other than to utilize deadly force against him. Risius was provided every opportunity to end the confrontation peacefully and chose not to do so. The decision to shoot Risius was reasonable and legally justified under the circumstances.

The Iowa Attorney General's Office considers this investigation closed. If you have any questions, please do not hesitate to call me at (515) 281-3648.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott D. Brown", is written over a light blue rectangular background.

SCOTT D. BROWN
Special Assistant Attorney General
Division Director – Area Prosecutions Division
IA Attorney General's Office

Copy to:

Iowa Division of Criminal Investigation
S/A Scott Reger

Iowa State Patrol