

Supplemental Report: Jason Ravensborg/Joseph Boever Fatal Pedestrian Crash on 09/12/2020

Overview of Activity

On Sunday, September 13th, 2020 at approximately 0845-hrs I was called by TRP John Berndt who is the District One Crash Coordinator. TRP Berndt told me that he was informed of a crash that occurred on US14 near MM278, which is just west of Highmore, SD. This crash involved South Dakota Attorney General Jason Ravensborg (AG Ravensborg) [DOB: 04/12/1976] who was traveling back to Pierre from an event in Redfield, SD on the previous evening of Saturday, September 12th, 2020. It was TRP Berndt's understanding that AG Ravensborg had thought he hit a deer and called 911 to report the crash. Hyde County Sheriff Michael Volek responded to the scene the night of September 12th, 2020 to take the report. Sheriff Volek then loaned AG Ravensborg his personal vehicle to continue his travels home. Sheriff Volek waited on scene for the tow truck to pick up the vehicle. Early the next morning AG Ravensborg and his Chief of Staff Tim Bormann drove back to Highmore, SD to return the loaned vehicle to Sheriff Volek. The AG and Chief of Staff stopped at the scene and discovered that AG Ravensborg had struck a pedestrian. The pedestrian was in the grass near the shoulder of the road. TRP Berndt advised that North Dakota Bureau of Criminal Investigation (BCI) was putting together a team to travel to the scene to complete the investigation. This was being done because the Sheriff had requested assistance from the South Dakota Division of Criminal Investigation, which would be a conflict of interest since AG Ravensborg oversees that agency.

I informed TRP Berndt that I would contact my supervisors and let them know that I would be responding to the scene to assist him with the investigation. I contacted MAJ Weinmeister concerning the crash and that I would be heading towards Highmore to assist TRP Berndt with the crash reconstruction portion of the investigation. I left at approximately 0945-hrs and drove to Highmore, SD arriving on scene around 1320-hrs.

As I was approaching the scene, I observed traffic being slowed by law enforcement on the west side of the crash site. I came to a stop near the officer directing traffic and realized that it was Sheriff Volek. Sheriff Volek asked me if I knew when we would be opening the roadway back up and when the body of the deceased could be removed. The deceased was eventually identified as Joseph Paul Boever (MR Boever) [DOB: 10/01/1964]. I let the Sheriff know that I had not spoke with TRP Berndt concerning those details and that we would let him know when that could take place. I continued to the east in the westbound lane of travel, which was coned off by the South Dakota Department of Transportation (SD DOT) to give us room to complete the scene investigation and forensic mapping. I pulled past the location where the Leica total station had been set up by TRP Berndt. TRP Berndt and TRP Nathan Moore had already started mapping the scene by the time I had arrived.

I spoke with TRP Berndt about the crash and he walked me through the scene to give me an idea of the layout for evidence that was being documented in our forensic map. I began assisting them by running the total station, TRP Berndt was locating the evidence and photographing each piece as we went, and TRP Moore was holding the prism pole and keeping a log of the items documented. TRP Berndt had explained to me that the evidence, photographs and log were related to the point number on the data collector. For example, point number 100 was the first point of evidence documented, which related to the first photo taken and point 1 on the log. Reviewing the forensic mapping log, it shows two descriptions for point 14, so the point number then corresponds with the evidence point from there forward. This process was followed throughout the documentation of the scene. We continued documenting the scene until all the points were recorded. Near the end of that time frame, BCI arrived

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and started documenting the scene using their process. BCI was responsible for documenting and collecting all the physical evidence they felt necessary to collect and maintain for the case.

On Monday, September 14th, 2020 SGT Snyder, TRP Berndt and myself went to the Pierre Police Department Evidence Building to view the AG's vehicle. While BCI was working to process the vehicle, I was able to walk around it and make observations. I observed damage to the vehicle that was focused on the passenger side front extending back to the A-pillar and windshield. The passenger side mirror also appeared to be damaged and was dislodged from its normal position. There were metal areas on the vehicle where the paint was missing, plastic parts that were broken/missing and a clear plastic broken headlight that were all consistent with items found at the crash site. The tires on the vehicle all appeared to have good tread depth. There was no apparent damage that would cause the passenger side front tire to be locked from crash related damage. The damage observed was consistent with a pedestrian strike. After BCI completed their process, TRP Berndt downloaded the Event Data Recorder (EDR) to see if any events had been recorded. No events were recorded on the EDR, which is not uncommon in a pedestrian strike.

On Tuesday, September 15th, 2020 I traveled to Highmore, SD and met with SGT Snyder and TRP Berndt to conduct skid testing with the AG's vehicle. A Vericom 4000 was utilized during the skid testing to document the results. The results in their raw data form are attached into the case. TRP Berndt will analyze and discuss the results of those tests in his report. This testing was one way we were able to show that the skid marks at the scene of the crash did not belong to the AG's vehicle. During testing it was shown that the ABS was functioning correctly, which did prevent the tires from locking up. Locking tires would have had to occur to make a mark consistent with the one at the crash site. The track width of the vehicle was measured and compared to the track width of the skid marks on the roadway. The marks on the roadway were wider than the track width of the AG's vehicle also showing that his vehicle would not have been able to leave those marks. Finally, there was a video from LT Stahl's in-car camera system on September 4th, 2020 that showed him responding through the same area with the previously described skid marks on the roadway (See Figure 1). All these things combined helped us eliminate the skid marks as being a part of this crash sequence.

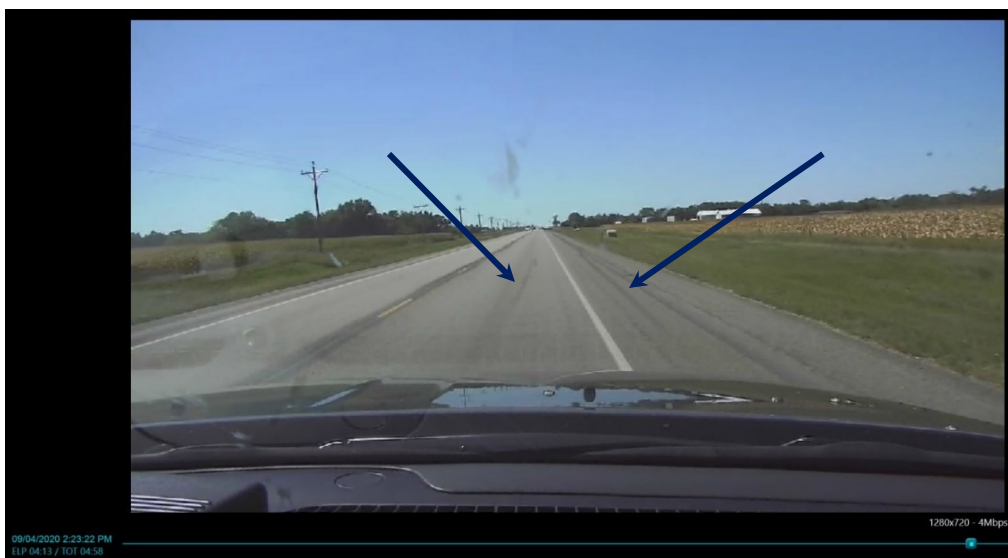


Figure 1: LT Stahl Video from 09/04/2020 at 2:23.22PM showing existing skid marks.

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After the completion of skid testing, I utilized the Leica C10 ScanStation to complete a 3D forensic scan of the vehicle. I scanned around the vehicle in six locations and later did the work to combine the scans. TRP Berndt needed to know a measurement of how far in from the passenger side of the vehicle the damage extended. Using the picture in Figure 2 we could see where the dirt/dust had been brushed off the front bumper of the vehicle. I used this information to get a measurement from the forensic map that was completed. Figure 3 is a top-down view of the vehicle. Figure 4 is a front view of the vehicle.



Figure 2: Picture of AG Vehicle from Front; Arrow indicating area where dust was wiped off.

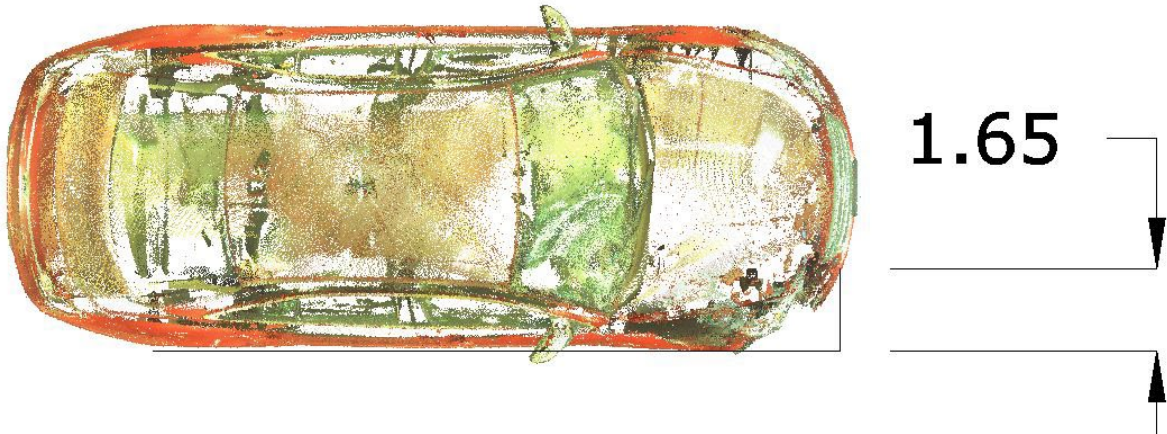


Figure 3: Top-down view of AG Vehicle Scan; Measurement from Edge of Vehicle to Dust Wipe in Figure 2.



Figure 4: Front view of AG Vehicle Scan; Black rectangle is width of measurement from Figure 3.

On Wednesday, September 16th, 2020 a Zoom meeting was conducted with John Daily, SGT Snyder, TRP Berndt and me. John Daily owns Jackson Hole Scientific Investigations, Inc. and was hired as a consultant to oversee the crash reconstruction process. We were able to explain the information that we had obtained up to that point and work with John to identify any additional items that may be useful to the crash investigation. I was able to get John's contact information so that I could get him access to the information being stored in our records management system to review.

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On Thursday, September 17th, 2020 I worked with SGT Snyder and TRP Berndt to discuss a timeline of the AG's travels. Both SGT Snyder and TRP Berndt had been driving through the area to attempt to identify locations where cameras existed that may have caught the AG or MR Boever prior to the crash occurring. That evening I met with SGT Snyder, TRP Berndt and BCI at the crash location near Highmore, SD. We worked with SD DOT to put a road closure in place for additional testing and documentation. BCI painted quadrants on the highway in an area to be processed. SGT Snyder, TRP Berndt and I used the Leica total station to map those points onto our original forensic diagram for later reference. BCI completed their process and documented the area with photographs.

On Friday, September 18th, 2020 I met with SGT Snyder and TRP Berndt in the morning hours. TRP Berndt did attempt to secure a search warrant for MR Boever's vehicle that had been placed at the Pierre Police Department Evidence Building. MR Boever's vehicle was located to the west of the crash site in the north ditch. The search warrant was to be able to download the EDR and to document anything inside the vehicle. The search warrant was denied because no charges were being filed. MR Boever's vehicle was not searched and remained locked up in the Pierre Police Department Evidence Building. A follow-up call with John Daily was completed to bring him up to date on any new developments in the case.

On Monday, September 21st, 2020 I worked with SGT Snyder and TRP Berndt to finalize plans for vehicle testing. TRP Berndt was able to secure an exemplar vehicle to use for nighttime testing. The vehicle was relayed to Pierre from Sioux Falls later in the week. The vehicle was to be used to conduct some nighttime visibility tests and to time the route AG Ravensborg would have driven the evening of the crash.

On Tuesday, September 22nd, 2020 I talked with Hyde County States Attorney Emily Sovell to set up a conference call with the additional States Attorneys that were going to be assisting her in the case. I set up a Zoom meeting for Wednesday afternoon. I sent the invitation to Hyde County States Attorney Emily Sovell, Beadle County States Attorney Michael Moore, Minnehaha County States Attorney Courtney Johnson, Pennington County States Attorney Mark Vargo, SGT Shane Snyder, TRP John Berndt and BCI Supervisory Agent Arnie Rummel. Later in the afternoon I rode with SGT Snyder to the gas station at Blunt corner. SGT Snyder had contacted them about viewing the video on their system. While there, we viewed video on their system during the timeframe that AG Ravensborg would have driven by or stopped at that location. The video system did not have a clear view of US14 due to the distance it was from the highway and the angle of the camera, so we could not clearly make out passing vehicles. We also did not see AG Ravensborg stop at that location during our review of the video.

On September 23rd, 2020 I was able to make contact with Will Boever, who is the brother of MR Boever. MR Boever's family had indicated to Hyde County SA Emily Sovell that Will Boever would be the representative from the family for any information related to the case and for decisions that needed to be made. I spoke with Will about MR Boever's truck being in the ditch west of where we had been working and that we wanted to make sure we covered our bases by completing a download of the EDR. I explained that Victor Nemecek had told BCI investigators that he had picked up MR Boever the previous night after MR Boever had drove off the road and damaged his truck by striking a hay bale. Victor told investigators that MR Boever had dropped some tobacco and reached down to pick it up when the crash occurred. The damage caused the front bumper to be pushed into the passenger side front tire to the point that it couldn't be driven. I explained that we would like to search the vehicle to complete a

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download of the EDR, which would show us the severity of the crash and help us to understand if he could have potentially sustained any injuries from it. We also wanted to inventory the vehicle and then return any personal property from the vehicle to the family since the truck is being held for the investigation. Will Boever gave consent to complete the above requests and we conducted the search that morning.

BCI served a search warrant on AG Ravensborg's vehicle for additional testing. This testing was completed at the South Dakota Highway Patrol Fleet/Supply Shop, which is located on the SD DOT campus in Pierre, SD. We provided the location for their testing which will be described in their reports.

Later in the afternoon we met with the States Attorneys to give them an overview of the crash investigation up to this point. The call consisted of the previously mentioned people and covered everything we had done and the information that BCI had completed.

On September 24th, 2020 BCI Agent Joseph Arenz and I met with the owner of Hoffman Trenching who had video of a pedestrian believed to be MR Boever walking past his business. BCI Agent Arenz was able to download that video onto a thumb drive for safe keeping. This video will assist in giving a timeframe that MR Boever began walking back towards his vehicle that he had left earlier the day. The video will also assist TRP Berndt in determining a walking speed for MR Boever that will allow an analysis to be completed.

On this evening, TRP Berndt completed the nighttime visibility testing by driving the exemplar vehicle past the crash location with someone walking on the shoulder of the road in similar clothing to MR Boever. TRP Berndt utilized the same brand and model of headlights in the exemplar vehicle along with high and low beam to test the visibility of a person walking on the shoulder of the road holding the flashlight found at the scene. The flashlight was held in different positions because it is unknown how MR Boever was holding the light at the time of the collision. During this testing several other uninvolved vehicles traveling past the pedestrian applied their brakes and slowed down when they saw him on the edge of the roadway. One vehicle that passed the location went down the road and turned around to come back and assist the pedestrian. When this testing was complete, BCI and TRP Berndt placed the flashlight on the ground in the same location that it was laying to simulate what it would look like on the night of the crash. The light was easily visible from both sides of the roadway had one been looking in the area where the debris from the crash was left behind.

On September 25th, 2020 SGT Snyder and I drove to Highmore, SD to retrieve video from the Mashek's Food Center. SGT Snyder utilized their video system to locate the approximate timeframe that MR Boever would potentially be walking past the store and we watched video until we saw him pass the location. SGT Snyder was able to download the video onto a thumb drive and later place it into our video system for safe keeping. This video will further confirm information from the video collected at Hoffman Trenching.

Later in the evening, SGT Snyder, TRP Berndt and I traveled to Redfield, SD to conduct some time distance measurements. We drove multiple paths from Roosters Bar and Grill to US212 in Redfield. We then drove US212 to SD45, SD45 to US14, and finally US14 to the crash location. During the test we drove the posted speed limits on each road, and we recorded times as we passed locations where video had been collected along the way. This information will assist TRP Berndt in calculating AG Ravensborg's average speed along the traveled path, which will help us determine if speed was a factor in the crash.

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On September 26th, 2020 I returned the exemplar vehicle to Sioux Falls, SD and then returned home to Rapid City, SD.

On September 30th, 2020 I went to Hall Oil and Gas in Highmore, SD with SGT Snyder and BCI to serve a search warrant for their video server. The server was collected because it had been replaced and the old one that contained the potential video was no longer in use. BCI took possession of the server and is completing the process to retrieve any relevant video for the purpose of the time-distance analysis work that TRP Berndt is completing.

On October 12th, 2020 I met with BCI in Pierre, SD. We drove to Highmore, SD to meet up with an agent from BCI that was going to be completing an analysis of a picture that had been taken by AG Ravensborg on his government phone, which was an iPhone Xr. I had received an iPhone from LT Collins that was the same make and model for BCI to utilize during their analysis. They took possession of the phone from LT Collins for their testing and will keep it in their possession until they are able to retrieve the photos/videos that were collected during their process. I provided traffic control while they attempted to determine the location where the photo was taken.

Travel Path Determination

The evidence on the shoulder of the roadway assists us in locating the area of impact and the direction of travel for the vehicle. One of the concerns was if the mild wind through the evening could have changed the location of any of the pieces that were there, particularly the paint chips. The evidence was broken down into reddish-brown substance (presumed to be blood in the remainder of the report), car parts, and paint chips by importing the forensic mapping log into Microsoft Excel. A tab for each type was created from the main forensic log that was copied and then reduced down to represent each respective category. A chart was created on each tab to represent the layout of those evidence points in the x-direction and y-direction. A linear trendline with its equation was added to show the average direction of travel because we know that evidence patterns start narrow and spread out as it continues moving to final rest. Each of the representative types are shown below; Blood (Figure 5), Car Parts (Figure 6) and Paint Chips (Figure 7).

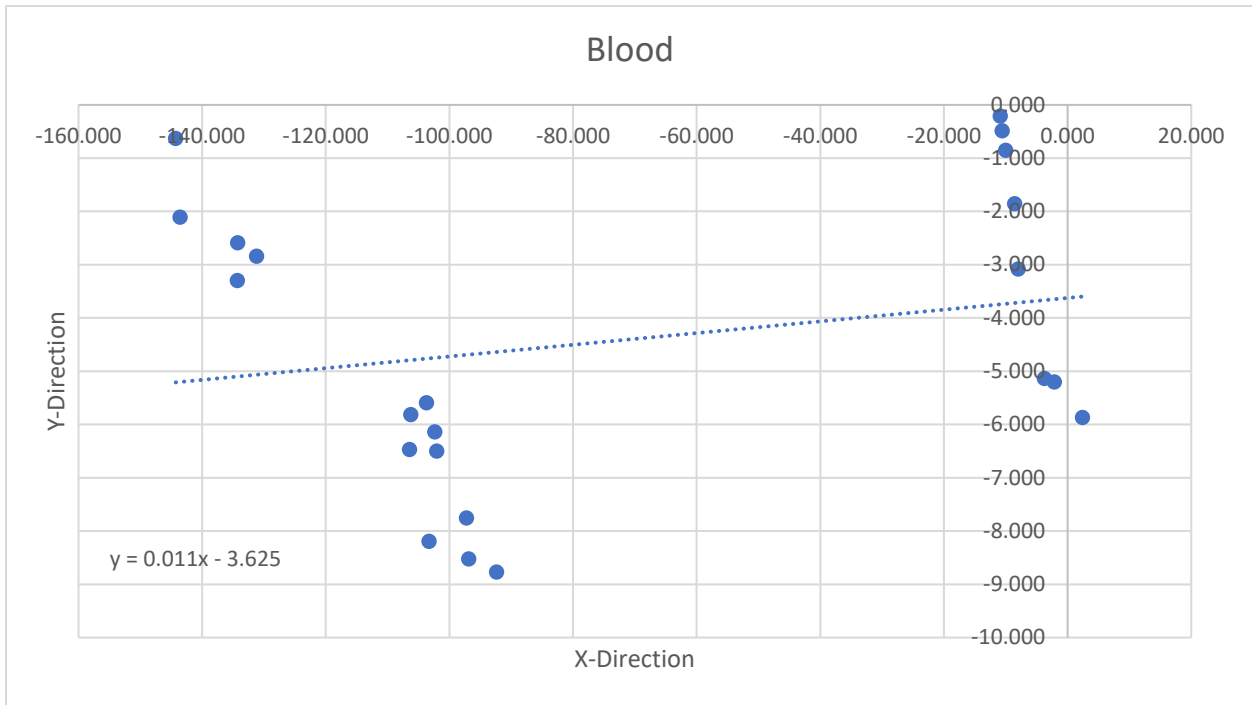


Figure 5: Blood Evidence Type

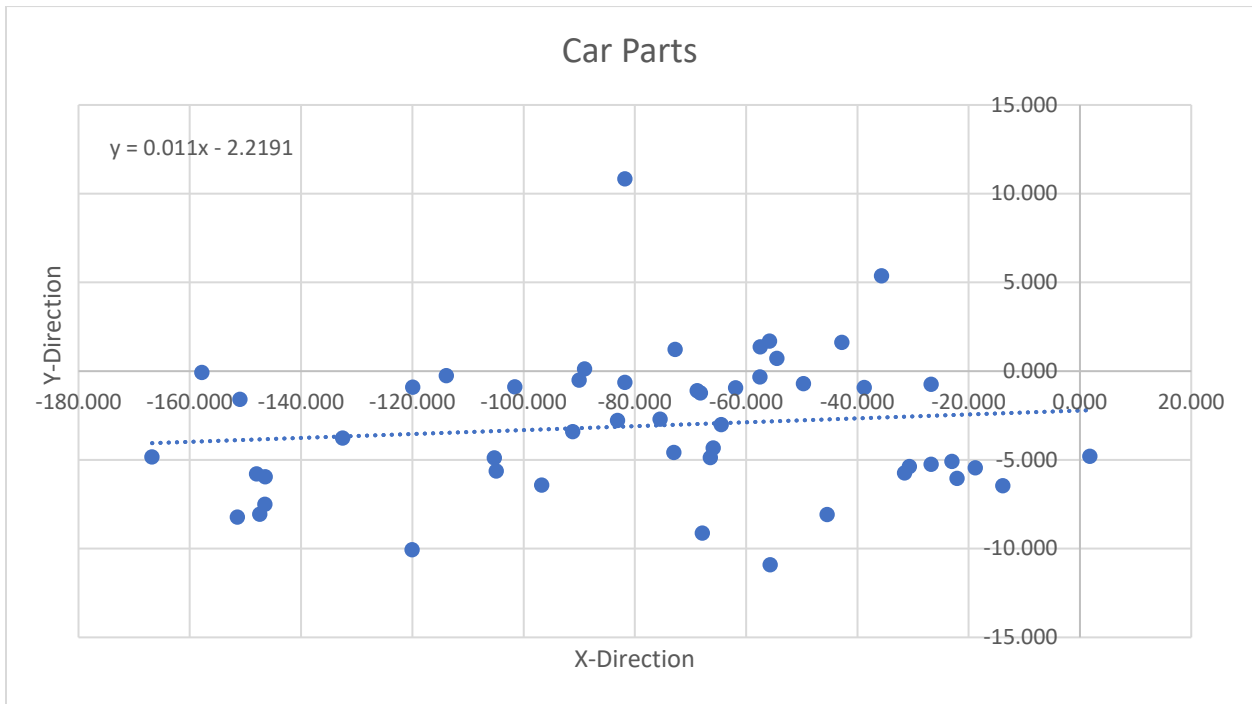


Figure 6: Car Parts Evidence Type

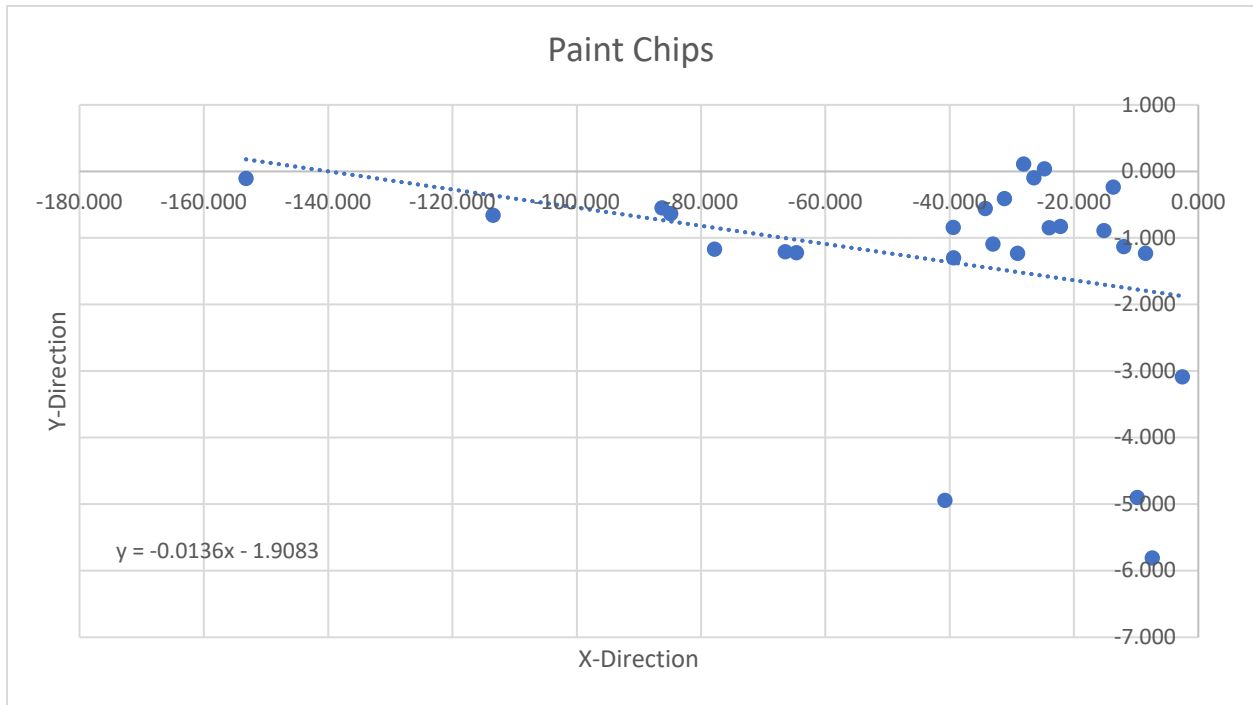


Figure 7: Paint Chip Evidence Type

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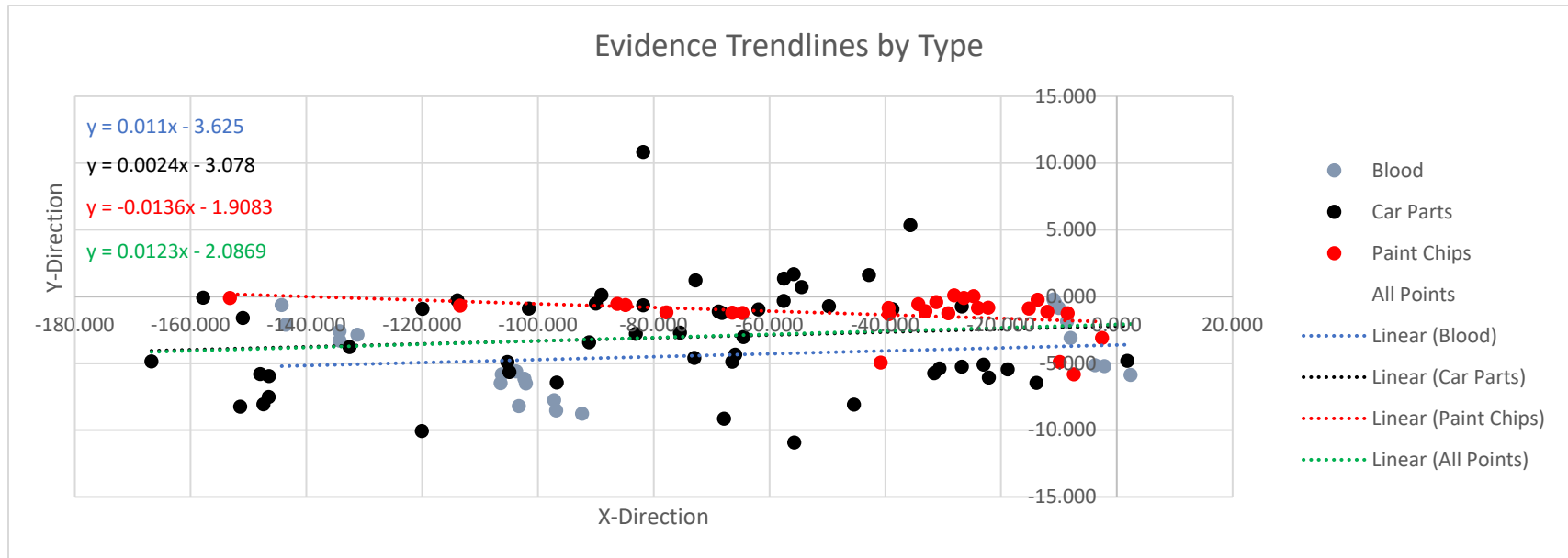


Figure 8: All Evidence by Types

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When each type had been completed, a tab that compiled all the types onto a single chart was created for comparison (Figure 8), which can be seen on the previous page. This chart is not set to an equal scale in the x-direction and the y-direction, so the angles of the trendlines can be deceiving. To help visualize the angles, the equations were used to calculate points on the forensic map that could be drawn to scale. The information used is presented here:

Blood (Reddish-Brown Substance) [Equation from Figure 5: $y = 0.011x - 3.625$]

- Point 1 (0, -3.625)
- Point 2 (-170, -5.495)
- Angle should be 180.63°

Car Parts [Equation from Figure 6: $y = 0.0024x - 3.078$]

- Point 1 (0, -3.078)
- Point 2 (-170, -3.486)
- Angle should be 180.14°

Paint Chips [Equation from Figure 7: $y = -0.0136x - 1.9083$]

- Point 1 (0, -1.9083)
- Point 2 (-170, 0.4037)
- Angle should be 179.99°

All Points [Equation from Figure 8: $y = 0.0123x - 2.0869$]

- Point 1 (0, -2.0869)
- Point 2 (-170, -4.1779)
- Angle should be 180.70°

The maximum difference between the angles is $180.63^\circ - 179.99^\circ = 0.64^\circ$. I used 180.63° instead of 180.70° because it is the difference between all the points separated versus the one with all the points included. It's amazing how tight the difference is when separated, which gives a higher confidence that the paint chips probably didn't move much in comparison to the other evidence types. This also gives us a high confidence that the direction of travel would have been straight west down US14 at the time of impact. This information was given to TRP Berndt to plot on the forensic diagram.

No further action was taken by me.

SGT Kevin R Kinney, HP039