



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2022-1673

Officer Involved Critical Incident – Smith Road Near Van Tress
Road, Clinton County, OH (L)

Investigative Activity: Interview with Officer
Involves: Trooper [REDACTED] (S)
Date of Activity: 08/30/2022
Author: SA Lauren Frazier, #129

Narrative:

On August 30, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agents (SA) Richard Ward, Kenneth Smith, and Lauren Frazier interviewed Trooper [REDACTED] (Trooper [REDACTED]) of the Ohio State Highway Patrol about his involvement with the Officer-Involved Critical Incident (OICI) resulting in the death of Ricky Shiffer on August 11, 2022, in Clinton County, Ohio.

The details below summarize the pertinent portions of the recorded interview. Please refer to the audio recording for additional information.

The interview with Trooper [REDACTED] began at 1115 hours, at the Ohio State Highway Patrol Special Response Team (SRT) Headquarters in Columbus, Ohio. Attorney Mary Martin was present for the interview.

Before the interview started, Trooper [REDACTED] was read the BCI Criminal Investigation Notification form (see attachment #1), which he acknowledged and signed. Trooper [REDACTED] advised that he has been with the Ohio State Highway Patrol since 2000 (approximately 22 years). Trooper [REDACTED] has been a part of SRT since 2007 and currently serves as an operator/medic.

On the date of this incident, Trooper [REDACTED] stated that he was at the Ohio Fire Academy for training in Reynoldsburg, Ohio. He received a call at approximately 1100 hours from Sgt. John Beeler with brief details and an intersection to respond to in Clinton County. Trooper [REDACTED] stated that he acquired more information while he was driving and learned that shots had been fired between the subject and officers and that someone had attempted to break in to the Cincinnati FBI office.

Trooper [REDACTED] stated that he arrived on scene around 1200 hours and jogged to an armored vehicle. He stated that he was briefed by Sgt. Beeler and was told that the subject had shot at troopers and a pursuit ensued. Trooper [REDACTED] said that he provided medical aid (food and

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water) to officers on scene due to the hot weather.

Trooper [REDACTED] stated that the FBI was negotiating and he maintained cover awaiting further direction. Trooper [REDACTED] said that he helped deploy a robot to obtain visual of the subject. He was able to observe that the subject had minor scrapes on his leg, hand, and cheek.

At some point, Trooper [REDACTED] stated there was a meeting with SRT to use less lethal force and verbal commands to attempt to get the subject to peacefully surrender. Trooper [REDACTED] was assigned deadly force cover with his rifle at the rear port hole of an armored vehicle.

Once the armored vehicle approached the subject, verbal commands were given by Mike Petula via speaker. Trooper [REDACTED] stated that Trooper Lt. [REDACTED] deployed a less lethal round from the front port hole of the armored vehicle. The less lethal round struck the subject in the chest and Trooper [REDACTED] stated he observed the subject put his hand on his weapon, look around, and "take off" for the wood line.

Trooper [REDACTED] described that I-71 was currently shut down with a massive amount of traffic, which was located near the scene. He also described that due to the cover and concealment of the tree line behind the subject, there was no other option but lethal force due to the "threat to [himself], other officers, and society itself." Trooper [REDACTED] stated he fired one round before his rifle jammed. He believes that he struck the subject near his buttocks. He stated that he tried to clear the malfunction and then switched to his pistol to maintain cover on the subject.

Trooper [REDACTED] stated that Trooper [REDACTED], in the turret, also engaged the subject with lethal force at this time. Trooper [REDACTED] drew a rough sketch of where officers were located inside of the armored vehicle in comparison to the suspect (see attachment #2).

Trooper [REDACTED] stated that they had been briefed that the subject possibly had explosives. He stated that he observed the subject from the armored vehicle with agonal breathing and believed him to be deceased.

Officers exited the armored vehicle to clear the subject's vehicle. Trooper [REDACTED] said that he tapped the glass on the vehicle, which shattered due to several bullet holes. He stated that he observed a red nail gun with a blue and white light and speaker wires going to a propane tank. Trooper [REDACTED] verbalized to other officers of possible explosives and they aborted and waited until Dayton bomb squad arrived.

Trooper [REDACTED] stated that he met with BCI and was photographed. Trooper [REDACTED] stated he was wearing a clearly marked Trooper SRT uniform/tactical vest on the date of the incident. Trooper [REDACTED] was also carrying a Taser as a less lethal option.

The interview between Trooper [REDACTED] and BCI concluded at 1144 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #3) and typed statement provided by Trooper [REDACTED] (attachment #4).

Attachments:

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Attachment # 01: Trooper [REDACTED] [REDACTED] Criminal Notification Form
Attachment # 02: Trooper [REDACTED] [REDACTED] Diagram
Attachment # 03: 2022-08-30 / Trooper [REDACTED] [REDACTED] Audio Interview
Attachment # 04: Trooper [REDACTED] [REDACTED] Written Statement

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Exhibit 1

2022-1673



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



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Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is not a "Garrity" interview (where you could be required to answer).

[Redacted Name]

Printed Name of Interviewee

8/30/22 1117 hrs

Date / Time

[Redacted Signature]

Signature of Interviewee

Rick Ward

BCI Agent (Printed)

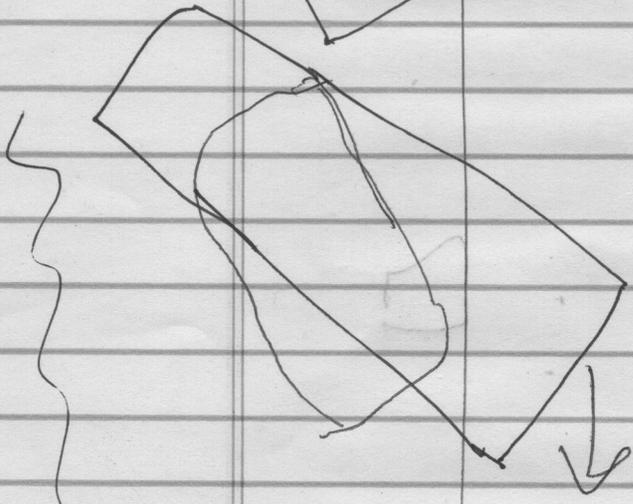
[Signature]

BCI Agent (Signature)

Exhibit 2

Throat

BEAR CAT 2



BEAR CAT

BEAR CAT 1

BEAR DOORS

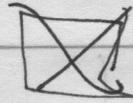
BEAR



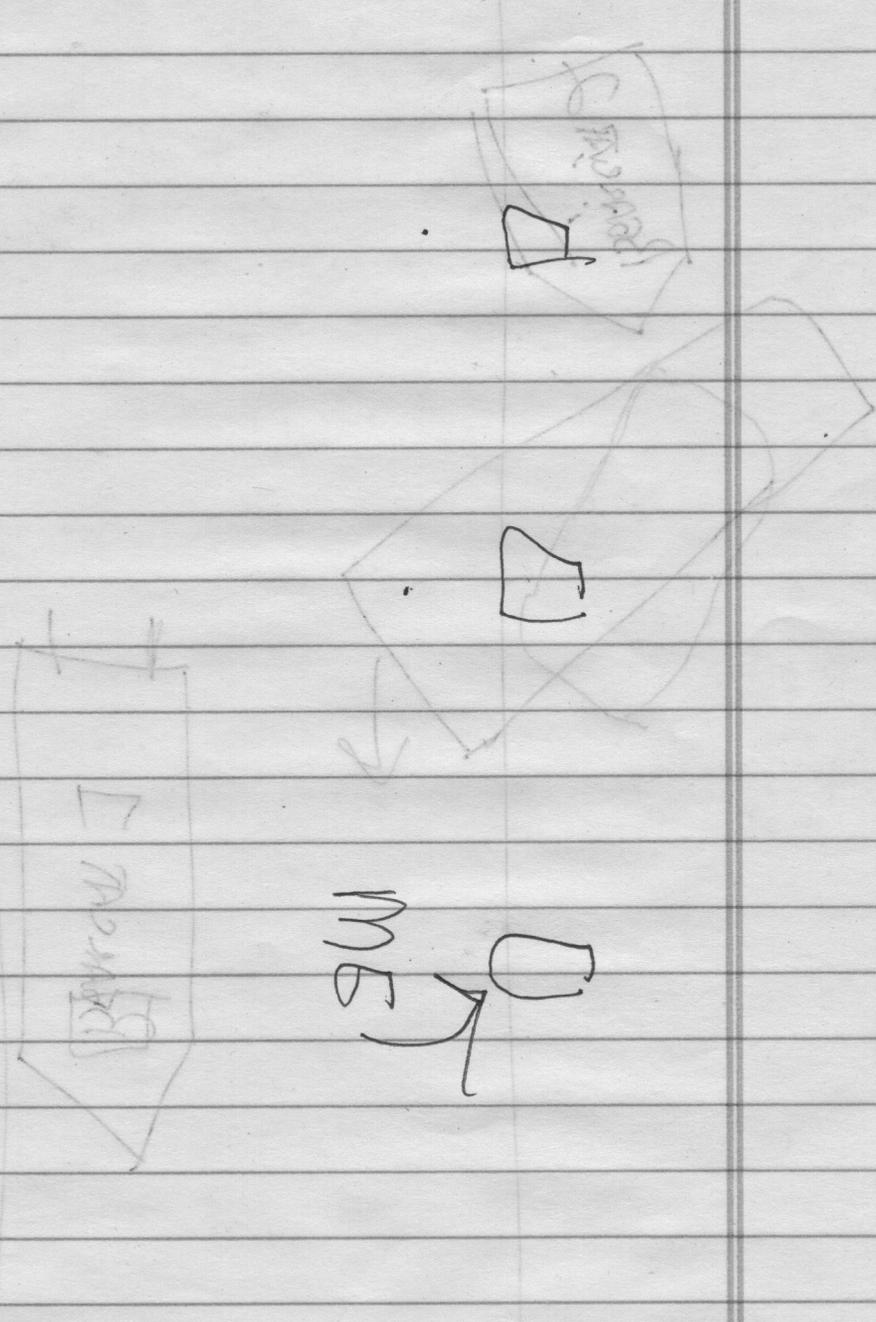
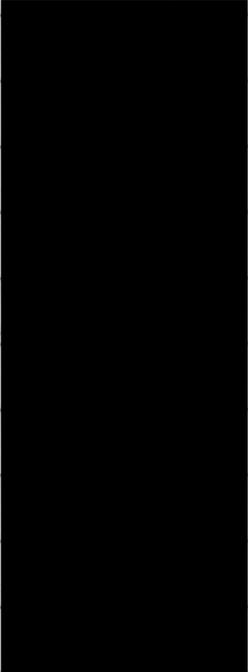
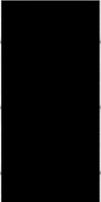
8/30/22



FRONT



60/92/8



REAR DOORS

TRIGGER

Exhibit 3

Included as a separate file.

Exhibit 4

STATEMENT OF [REDACTED]

AUGUST 23, 2022

I am a Trooper with the Ohio State Highway Patrol. I have been employed have I been employed by the Ohio State Highway Patrol since 2000. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 2001.

I am currently assigned as an Operator/SWAT Medic for the Special Response Team. I primarily work out of the Columbus Office.

I am providing this statement voluntarily. I have prepared the statement to the best of my recollection. I have not yet had the opportunity to review all of the videos of the incident and it is possible that this review might refresh my recollection in the future.

I am familiar with the Ohio State Highway Patrol's policies and procedures on the use of force. My most recently completed firearm qualifications for OPOTA was in January of 2022.

On August 11, 2022, I was working 0800 to 1600 shift, training Tactical Emergency Medicine at the Ohio Fire Academy in Reynoldsburg, Ohio. I was wearing the training uniform assigned to me.

While on duty, I carry my Sig Sauer P320 9 mm, and Sig Sauer M400 as assigned to me by the Ohio State Highway Patrol. I carry four pistol magazines of 17 rounds and two magazines of 28 for the M400.

At approximately 1100 hours, I received a phone call from my Sergeant John Beeler. Asking me to respond to an intersection in Clinton County for a barricaded subject in a vehicle with shots fired.

I got into my patrol issued unmarked Chevy Tahoe and drove to the location provided by my Sergeant.

At approximately 1200 I arrived on scene. I observed multiple law enforcement on scene. I put on my tactical equipment (heavy armor, helmet, gas mask and medical bag and rifle). I approach the Armored Vehicles (Bearcats) and reported to Sergeant Beeler.

I was briefed and then started to provide necessities (food, water) to the law enforcement on the scene. I completed a medical threat assessment and moved CareFlight onto the scene from their previous position that was further away. The FBI negotiator was still negotiating at this point.

At approximately 1500, Lt. [REDACTED], called a meeting with the SRT team to outline our role in the FBI/OSP/Clinton County response to the continued threat. We were told that the suspect had prior military experience and/including knowledge of explosives and had training on explosives.

My specific role was deadly force cover located in the Warren County Sheriff's Office Bearcat. It was determined that less lethal force with verbal commands would be attempted first. Lt. [REDACTED] was the less lethal SRT operator. The suspect was hit with one shot of a less lethal foam direct impact round. Multiple commands were again given. The suspect then took off running towards the trees with what I recognized to be a AR15 in his hands, with an ammo vest on with multiple additional magazines in sight. Multiple commands are again being given.

I believe, that if the suspect would have reached the wood line, I believe that there would have been a very drawn-out gun battle where he would have had multiple items of cover and if he was able to get into the corn fields, he would have been able to get to other innocent bystanders. I believed him to be a danger to me, my fellow officers as well as any civilians he might have come across. I believed that I was in imminent danger of death or great bodily harm and the only means of escape from danger was the use of deadly force. I did not believe that I could safely withdraw from the location and adequately protect myself or others. Due to our briefing and my fear for the safety of myself, other officers, and civilians, I engaged with the suspect from my position inside of the Bearcat. I took one shot

before my rifle jammed. I attempted to clear the jam and was not successful. The suspect was on the ground at this time, so I took out my pistol to provide cover.

STATEMENT OF [REDACTED]

I could tell that the suspect was deceased. He had taken a round to his head and had agonal breathing. I was also told that once he went to the ground that he was reaching for something inside of his vest. My next task was to clear the car with Trooper Rick Tocash. I knocked the back window out of the suspect's vehicle and saw the nail gun and what I believed to a possible explosive device. I announced an abort due to possible explosives and Trooper Tocash and I retreated to the Bearcat.

I secured my rifle into the vault/gun case in my vehicle and responded to the Wilmington OSP Post where BCI took photos of my rifle and then took my rifle.

Trooper [REDACTED] present voluntarily. I have prepared the statement to the
August 23, 2022 at 1225 hours

[REDACTED] [REDACTED]
9/30/22

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At approximately 1100 hours, I received a phone call from my Sergeant Jehn Baker. Asking me to respond to an intersection in Clinton County for a barricaded subject in a vehicle with shots fired.