



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: Lt. [REDACTED] (S)
Date of Activity: 09/06/2022
Activity Location: Engle & Martin Law Offices – Business – 4660 Duke Drive # 101,
Mason, OH 45040, Warren County
Author: SA Lauren Frazier, #129

Narrative:

On September 6, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agents (SA) Richard Ward, Kenneth Smith, and Lauren Frazier interviewed Trooper Lieutenant [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 [REDACTED] began at 1246 hours at the offices of Engle & Martin. Attorneys Josh Engle and Mary Martin were present for the interview. Before the interview started, [REDACTED] was read the BCI Criminal Investigation Notification form (see attachment #1), which he acknowledged and signed.

[REDACTED] stated that he has been with the Ohio State Highway Patrol for approximately 19 years, was promoted to Sergeant in 2012, and promoted to Lieutenant in 2017. He was wearing a clearly marked Trooper uniform on the date of the incident and was in a marked patrol vehicle (Ford Explorer).

[REDACTED] stated that dispatch received a call that a subject attempted to break into the FBI office and was armed with an AR-15 heading North on I-71 near Kings Mill area in a white Crown Vic. He left the post and told Trooper [REDACTED] to respond.

Shortly after, Trooper Illanz located the subject's vehicle near the 25 milepost on North I-71. [REDACTED] stated that himself, Trooper [REDACTED], Trooper [REDACTED], and a Warren County Deputy responded to assist Illanz. Once additional units arrived, [REDACTED] told Illanz to initiate the traffic stop. [REDACTED] was third in line at this time, behind Illanz and [REDACTED].

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████████ stated that he observed the subject shoot at a black van, heard a loud explosion, and saw smoke and glass. The subject took off and began passing on the berm. ██████████ slowed down to check on the occupant of the van and Trooper ██████████ passed him, making him 4th in line at this time.

████████ stated that the subject got off at SR 73, almost crashed at the top of the ramp, continued eastbound on 73 towards Wilmington, and then turned left on to Smith Road. ██████████ advised that the subject intentionally pulled off the road and stopped, believing that the subject parked in a position to use his car as cover.

████████ drew a rough sketch (see attachment #2) of where his vehicle was located in reference to other vehicles, once he arrived on scene at Smith Road. He described that they were near cornfields and that the subject was positioned with trees behind him and a clear backdrop.

████████ stated that he could see the subject at the rear of his Crown Vic driver's tire. He started hearing shots fired by the subject and other officers returning fire. ██████████ stated he was "in fear for himself and his coworkers" and began firing towards the subject. ██████████ aimed towards the rear tire where he observed the subject, but was unsure where his rounds hit. ██████████ said he fired approximately 10-11 rounds (28 round magazine) and did not switch magazines.

████████ stated that he started giving commands to the subject, telling him that they would try to get him help. At some point, there was another round of firing and ██████████ did not fire at this time, because he was unsure of the exact location of the subject. He said that he could hear the subject yelling, but could not understand what he was saying.

Eventually, SRT arrived on scene to relieve the officers and ██████████ made his rifle safe and gave it to Lt. Price to secure. He responded to the Wilmington post where he met with BCI.

The interview between ██████████ and BCI concluded at 1315 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #3) and typed statement provided by ██████████ (attachment #4).

Attachments:

- Attachment # 01: Trooper Lt. Matt ██████████ Crim. Notification Form
- Attachment # 02: Trooper Lt. Matt ██████████ Diagram
- Attachment # 03: 2022-09-06 / Trooper Lt. ██████████ audio interview
- Attachment # 04: Trooper Lt. Matt ██████████ Written Statement

Exhibit 1



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

9/6/22 1247pm
Date / Time

[Redacted Signature]

Signature of Interviewee

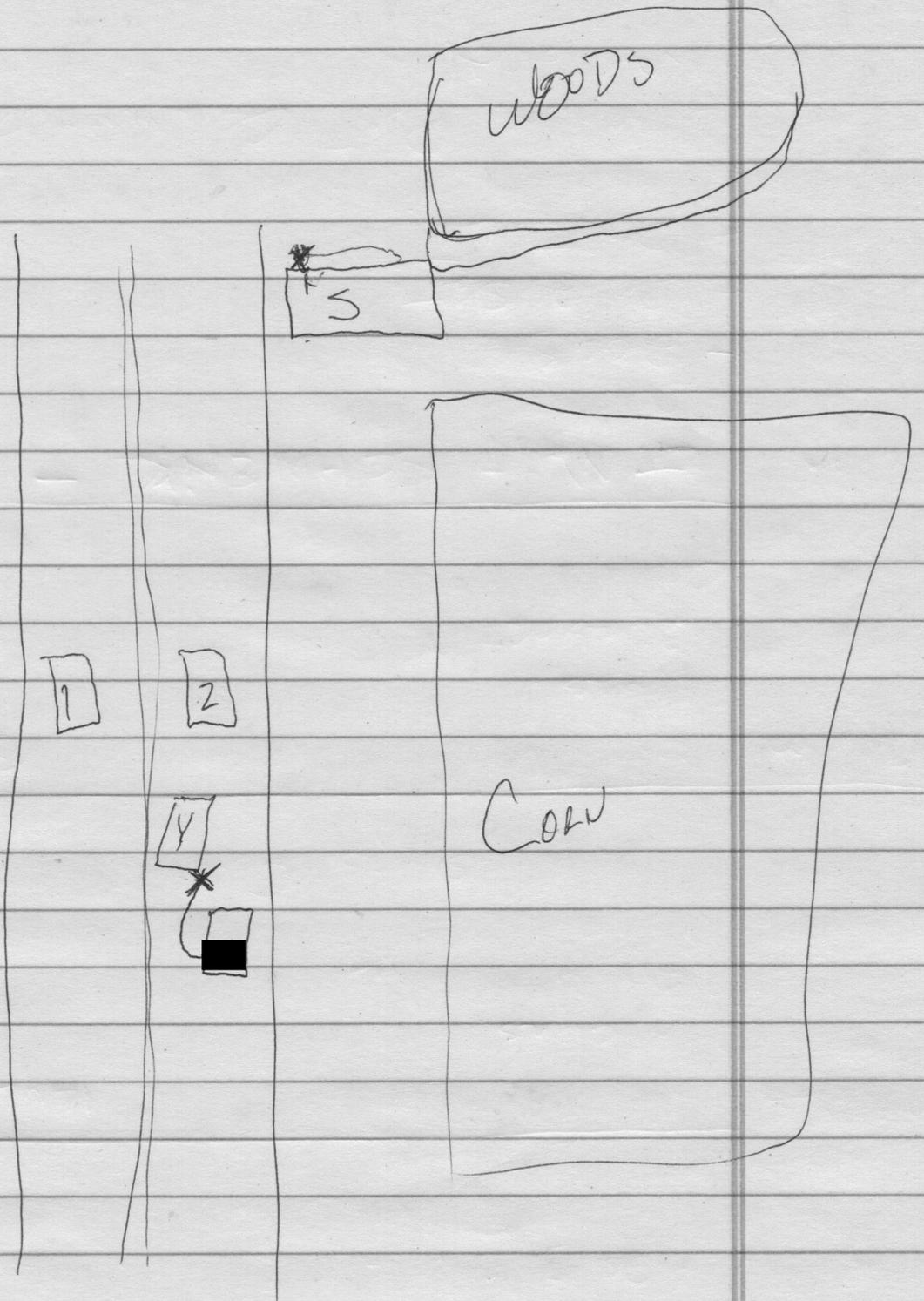
RECK WARD

BCI Agent (Printed)

[Signature]

BCI Agent (Signature)

Exhibit 2



LT.

9-6-22 @ 1250PM

Exhibit 3

Included as a separate file.

Exhibit 4

STATEMENT OF [REDACTED]
SEPTEMBER 2, 2022

I am a Lieutenant with the Ohio State Highway Patrol. I have been employed as a law enforcement officer since 2003. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 2004.

I am currently assigned as a Lieutenant at the Lebanon Post. I am the Post Commander for the Lebanon Post.

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 use of force. My most recent training on use of force occurred in 2022. I most recently completed my firearm qualifications in the spring of 2022.

On August 11, 2022, I was working the 0700 to 1500 shift. I was wearing my uniform and operating my patrol car during my shift.

While on duty, I carry my Sig Sauer P365 9mm pistol along with 3 magazines containing 17 rounds each. One magazine is contained in the firearm, the remaining 2 are carried on my duty belt. My firearm had 18 rounds (1 in the weapon and 17 in the magazine).

I also had with me an OSHP issued Colt AR-15 rifle. I have qualified on this weapon. This weapon is carried in the passenger compartment of my vehicle. I had 3 magazines containing 28 rounds. One magazine round was in the rifle, the remaining 2 are carried in a bag in the trunk of my vehicle.

I was at the Lebanon Post when I heard a Dispatcher report that a person with an AR-15 who had attempted to breach the FBI Office in Cincinnati and was traveling northbound in I-71. I was later told to be on the lookout for a white Crown Victoria with Florida plates.

Trooper Illanz informed me that he had observed the suspect vehicle traveling northbound on I-71 and was pursuing at normal highway speed. I activated my front lights and sirens. I, along with four other troopers and a Warren County Deputy Sheriff got behind the suspect vehicle at approximately mile

post 37. I turned off my front lights so that we did not alert the suspect. I was the third car in line. Traffic was moderate to heavy. I instructed Trooper Illanz to attempt to make a stop of the vehicle. Trooper Illanz and others activated their lights and sirens. The suspect vehicle traveled on the berm to pass some cars and trucks on the shoulder. He accelerated to approximately 95-100 mph.

At approximately mile post 40, I saw and heard the suspect fire a shot into a black panel van. I observed a window shatter on the side of the vehicle and damage to the side of the vehicle. I slowed down to check on the driver and passengers of the van. The driver appeared to be uninjured, so I continued in the pursuit.

We maintained the pursuit from a distance. Stop sticks had been set up under SR 73. The suspect exited on SR 73 before the stop sticks. The suspect ran through a red light and nearly struck a vehicle. The suspect continued east on SR 73, occasionally entering the lane for oncoming traffic. The suspect turned left on to Smith Road. He crossed over the interstate on the overpass at a high rate of speed. The suspect pulled the car partially into a ditch near some trees.

The suspect exited the vehicle and stood near the rear passenger door. I exited my vehicle with my rifle. This is consistent with my training and experience in conducting felony stops. Other officers gave verbal commands for the suspect to surrender. I took cover behind Trooper [REDACTED] vehicle. I was approximately 100 yards from the suspect. I heard the suspect fire at me and the other law enforcement officers at the scene.

I believed that I and other officers were 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 other possibly innocent persons in the area. I, along with other law enforcement officers present on the scene, returned fire. I believed that I had a clear line of sight on the suspect.

I remained behind Trooper [REDACTED] vehicle. I could not observe the suspect, but other officers stated that the suspect was lying on the ground and pointing a weapon at the law enforcement officers. I gave verbal commands to the suspect to put down his weapon and come out with his hands up. The suspect did not comply with commands. Other officers reported that the suspect

was yelling at us, but nobody was able to understand what he was saying. I remained in a covered position giving verbal commands as we received updated information from an observer in a helicopter. There was another exchange of gunfire, but I did not fire on the suspect because I did not have a clear line of sight.

After a brief standoff when nobody fired, additional law enforcement officers and the FBI arrived on the scene.

I remained on the scene for a period of time. FBI and OSHP SRT arrived at the scene. A FBI negotiator sought to communicate with the suspect. I eventually received orders to pull back from my position. I left my vehicle at the scene. My rifle was secured by S/Lt. Price at the scene. I responded to the Wilmington OSHP post for a debriefing. On the way to the Wilmington post, Trooper [REDACTED], Illanz and I stopped at the Medic staging area to get Trooper [REDACTED] wound looked at.

I did not receive any injuries as a result of this incident.

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While on duty, I carry my Sig Sauer P365 9mm pistol along with 3 magazines containing 17 rounds. One magazine is contained in the trunk and 2 are on my duty belt. My firearm # [REDACTED] 17 in the magazine.

LT

9-2-22

I also carry a 5.56 rifle. I have qualified on this weapon. This weapon is carried in the passenger compartment of my vehicle. I had 3 magazines containing 28 rounds. One magazine round was in the rifle, the remaining 2 are carried in a bag in the trunk of my vehicle.

I was at the Lebanon Post when I heard a Dispatcher report that a person with an AR-15 who had attempted to breach the FBI Office in Cincinnati and was traveling northbound in I-71. I was later told to be on the lookout for a white Crown Victoria with Florida plates.

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