



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



2022-2888
Officer Involved Critical Incident – 1010 Wapakoneta Ave., Sidney,
OH 45365 (L)

Investigative Activity: Interview with Officer
Involves: Jason Viapiano (S)
Date of Activity: 01/11/2023
Activity Location: Sidney Police Department – Business – 201 West Poplar Street,
Sidney, OH 45365
Author: SA Lauren Frazier, #129

Narrative:

On December 21, 2022, the Ohio Bureau of Criminal Investigation (BCI) was requested to investigate the facts and circumstances surrounding an Officer-Involved Critical Incident (OICI) that occurred at Sidney Foodtown, located at 1010 Wapakoneta Avenue, Sidney, Ohio (Shelby County). The OICI occurred when Sidney police officers encountered Todd Jordan (Todd), who was armed with a gun inside Sidney Foodtown.

On January 11, 2023, BCI Special Agents Lauren Frazier and Perry Roeser interviewed Officer Jason Viapiano with the Sidney Police Department, regarding his involvement related to this incident. Attorney Joe Hegedus was present for the interview, which was conducted at the Sidney Police Department, located at 234 W Court Street, Sidney, Ohio. Officer Viapiano was read the *BCI Criminal Investigation Notification* form, which was signed and is attached to this report (attachment #01). Officer Viapiano also provided a typed statement (see attachment #02). The details below summarize the pertinent portions of the recorded interview. Please refer to the audio recording for additional information.

The interview began at approximately 1136 hours. Officer Viapiano stated that he has been a police officer at the Sidney Police Department for 19 years and previously served on the SWAT team for approximately 13 years. On the date of the incident, he stated that he was working dayshift, wearing a clearly marked Sidney police uniform with a body worn camera (BWC). Officer Viapiano stated he was driving cruiser #4, a marked Ford Explorer SUV with an in-car camera.

On December 21, 2022, Officer Viapiano stated he was on patrol, running traffic, approximately 6 blocks away from Sidney Foodtown. He stated that radio dispatch advised all units to respond for a male with a firearm at Sidney Foodtown. Officer Viapiano arrived within a minute and was the first to arrive on scene. He stated that dispatch told him that shots had

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been fired inside the store and that the subject was heading towards the deli. Officer Viapiano was shown an overhead view of Sidney Foodtown and the surrounding area, and he indicated an approximate location of where he parked when he arrived on scene.

Officer Viapiano stated that he deployed his AR-15 rifle from his cruiser and began approaching the entrance of the store. He stated that he observed a white male standing outside the front door, believed to be the store manager. Officer Viapiano stated the he is familiar with the store layout and knew where the deli was located. He entered and began clearing the store and did not hear any screaming or gunshots at this time.

Officer Viapiano maintained a position near the front of the store. He saw additional Sidney police officers approaching the front door, including Officer Andrew Shappie and Sergeant Chris Burmeister. Officer Viapiano saw a White male come in to view near the first checkout aisle. He estimated he was standing approximately 30-35 feet away and began moving towards the subject to address him and give him commands, stating "hands up, hands up, hands up." He said that other officers were also giving commands. The subject initially complied and put his hands up and then lowered his hands, went into his pocket with his right hand, and removed a firearm. Officer Viapiano said that he could tell right away that the subject's gun was a black revolver.

Officer Viapiano stated that he was in fear for himself, other officers that were closer to the subject, and potential customers inside the store. He stated that he fired one round from his rifle at the subject, which he believes struck the subject's torso. Officer Viapiano stated that he heard additional shots fired and the subject fell backwards onto the ground. He observed the gun fall near the subject's feet. He stated that officers maintained cover on the subject and called for a squad. Officer Viapiano said that he went into the office and checked on a female and her daughter that had been hiding.

Officer Viapiano was asked to wait in his cruiser, prior to responding to the Sidney Police Department, where he was ultimately met by BCI. The interview concluded at 1157 hours. A copy of the audio recorded interview is attached (attachment #03).

Attachments:

Attachment # 01: 2023-01-11 Officer Jason Viapiano Criminal Notification Form

Attachment # 02: 2023-01-11 Officer Jason Viapiano Typed Statement

Attachment # 03: 2023-01-11 Officer Jason Viapiano Audio Interview

Exhibit 1



Ohio Attorney General's Office
Bureau of Criminal Investigation



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).

Jason Viapano
Printed Name of Interviewee

1-11-23 1138nn
Date / Time

[Signature]
Signature of Interviewee

Lauren Frazier
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)

Exhibit 2

On 12-21-22 at a little after 8am officers were dispatched to Sidney Foodtown, 1010 Wapak Ave, reference a male with a gun. I responded and dispatch advised the male had fired rounds inside the store. I parked and deployed with the department issue AR15 from Unit 4.

I approached the store and made contact with a male outside the store who stated the male with the gun was heading towards the deli. I entered the store and cleared the first corner on my right, which is an office and the first checkout register. I am familiar with the store layout and knew the deli to be in the n/e corner of the store.

I then moved to the north, staying to the left of the checkout lanes and cleared each aisle as I moved to the n/w corner of the store. I posted in the n/w corner facing the n/e corner of the store where I could see straight down the aisle towards the deli counter. There was a door that was ajar, facing my position, that leads to the rear of the dairy cooler aisle, which is the aisle I was facing down that ends at the deli counter. I did not see or hear any movement in the store at this point. I then observed other officers approaching the sliding entry doors at the front of the store and started waving them in.

As I was doing this I observed a male exit from an aisle at an approx 45 degree angle from my location and walk towards the checkout lanes. I turned towards him and advised him to put his hands up.

The other officers that had entered the store also began to verbally address the male as well.

Initially the male raised his hands, then dropped them closer to his waist, with his right hand moving towards his pocket. We continued to address him and he raised his hands a second time, but then dropped his right hand and reached into his pocket.

The male removed a black revolver pistol from his pocket and upon recognizing this I feared not only for the lives of the other officers on scene but for my life as well. I then fired one round from the AR15 to the torso of the male who fell backwards in the walkway between the first register and the office.

Several officers then began to clear the rest of the store while the medics were called in to aid the fallen subject.

I observed a female inside the office area hiding behind a desk and entered the office to make sure the female and a 16yo juvenile that was with her were ok. I then exited the store and returned to my patrol car, then to the PD.



1-11-23

Exhibit 3

Included as a separate file.