



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



2022-2876

Officer Involved Critical Incident – 256 N. Swain, LaRue, Ohio (L)

Investigative Activity: Interview with Officer
Involves: ██████████ (S)
Date of Activity: 01/03/2023
Activity Location: Marion County Sheriff's Office – Business – 100 Executive Drive, Marion, OH 43302, Marion County
Author: SA Tiffany Vollmer, #49

Narrative:

On Tuesday, January 03, 2022, Special Agent (SA) Tiffany Vollmer (Vollmer) and SA Josh Rammel interviewed Marion Police Officer ██████████ (██████) at the Marion County Sheriff's Department, 100 Executive Drive, Marion, Ohio. ██████████ also goes by the nickname ██████████. ██████████ was accompanied by his attorney, Lane Hagar (Hagar) of the Fraternal Order of Police (FOP). ██████████ was identified as one of the officers who was directly involved in the shooting involving the deceased, Travis Hellinger (Hellinger). The following is a summary of the interview which was audio recorded and placed in the case file.

Officer ██████████ acknowledged and signed the Criminal Investigation Notification form, given to him by agents, in the presence of his attorney. Officer ██████████ had a prepared statement (attached to report) that he read to agents.

Officer ██████████ advised he was a full-time officer with the Marion City Police Department and had been since June 2018. Officer ██████████ said he carries a Glock 17 as his primary duty weapon and also has access to a less-than-lethal shot gun that fires bean bag rounds. This is the weapon Officer ██████████ used during the incident. Officer ██████████ wears a gun belt, consisting of a tourniquet, firearm, gas mask, and magazines. He wears an outer vest consisting of a taser, flashlight, magazine and handcuffs.

Officer ██████████ said he worked a shortened shift on December 19, 2022, from 1500–2130 hours, so he could go home to rest before coming in for the search warrant call out at 0300 hours, on December 20, 2022. Officer ██████████'s uniform of the day for the call-out was his department-issued SWAT uniform, which was clearly marked as being a law enforcement officer. He also wore a body camera, which he reported to be in working condition.

Officer ██████████ described the weather as cold and clear. He described the lighting as nighttime; however, there was sufficient lighting at the scene to make observations.

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Officer [REDACTED] is a part of the Marion Special Response Team (SRT). He, along with other team members, were briefed about the search warrant. According to [REDACTED] the team was told they were serving a drug search warrant and Hellinger had a history of drug trafficking. The team had received information Hellinger made it known he would not go back to jail. It had been established Hellinger's residence was in the pole barn on the property.

While en route to where the search warrant was to be served, 256 N. Swain Avenue, LaRue, Ohio, the SRT team was told by ground snipers that Hellinger was outside, just north of his pole barn. As the Tactical Response Vehicle (TRV) arrived, the SRT was told Hellinger was running towards the railroad tracks. Officer [REDACTED]'s duty was to go with his team to the house. Once there, [REDACTED] heard one of the snipers say that Hellinger was not listening to commands. At this particular time, [REDACTED] could not see what was occurring with Hellinger and the other officers. [REDACTED] and part of his team made the decision to assist officers on the tracks with Hellinger, since [REDACTED] had the less-lethal shotgun. It was discussed within [REDACTED]'s team members that [REDACTED] would move up in front, since he was carrying the less-than-lethal bean bags.

When [REDACTED] arrived at the railroad tracks, he could hear Hellinger yelling at officers. [REDACTED] followed from approximately 30 yards away from Hellinger. [REDACTED] said using non-lethal means you have a smaller perimeter to get the hit. Hellinger held a flashlight and was shining it in the officers' eyes. This led [REDACTED] to perceive this as trying to blind the officers. [REDACTED] said each time it was discussed among team members to use less-than-lethal force, Hellinger would blind them with the flashlight. At one point, when Hellinger's flashlight shined against his own body, [REDACTED] was able to see Hellinger was wearing a chest rig, holstering two handguns. [REDACTED] relayed this information to his team members. Hellinger continued to ignore officers' commands and walked backwards down the railroad tracks, even after he was told he was under arrest. [REDACTED] could not remember what Hellinger was saying to officers or if he made threats towards officers. [REDACTED] did not give very many commands because he did not want it to be confusing since there were already team members giving them. Some of the commands given were, "Stop! You're under arrest." [REDACTED] said Hellinger kept asking why he was being arrested and why were officers there.

The K-9 handler entered the area and Hellinger was told the K-9 would be released. After Hellinger still continued to ignore law enforcement commands, the K-9 was released. Officer [REDACTED] saw Hellinger draw his firearm and fire at the K-9 and at officers. Officer [REDACTED] then discharged his less-than-lethal shotgun at Hellinger because that was the weapon he currently had in his hands. [REDACTED] explained when Hellinger began firing his weapon, [REDACTED] could see muzzle flash and said Hellinger was not only shooting at the dog but also at them. [REDACTED] said it is normally a team decision when to use less-than-lethal force. Hellinger fell to the ground as a response to being shot at by officers. Upon the SRT approaching Hellinger, Hellinger was found to be in possession of three handguns. Officer [REDACTED] helped give aid to Hellinger.

[REDACTED] and his attorney stepped out of the interview room to talk. When they returned, [REDACTED] had no further information to share about the incident. The recording, Criminal Investigation Notification form and officer's written statement are attached to the report and placed in the case file.

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This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the audio recording. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions or responses. It is suggested that the full audio recording be reviewed to clarify any content or contextual questions regarding the information from the audio recording.

Attachments:

- Attachment # 01: Marion Officer [REDACTED]
- Attachment # 02: Officer [REDACTED] Worksheet
- Attachment # 03: Officer [REDACTED] written Statment
- Attachment # 04: Officer [REDACTED] Criminal Notification form

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Preliminary and Demographic Information Worksheet:

Name: [REDACTED]	Rank: Patrol Officer
Badge Number: [REDACTED]	Cruiser/Vehicle Number: N/A
Radio Call Sign: [REDACTED]	Immediate Supervisor: Lt. Rob Musser
Radio Channel Utilized: MPD Tach 1	Mobile Data Terminal: none
Cruiser Description: TRV	Occupants of Cruiser and Seating Positions:
Assignment: FTO, SRT	Normal Shift: 1500-0100
In-Car Camera: none	Spotlight: N/A
Emergency Lights: N/A	Siren: N/A
Shift Day of Incident: 1500-2130	Duty Status: active
Days Off: Thurs-Sat	Prior Overtime or Extra Details within Preceding 48 Hours: no
Hours of Sleep Prior to Incident: 2230-0230	Consider Self Well Rested?: yes
Total Length as Officer: 4 years	Length at Current Agency: 4 years
Physical Disabilities (to include hearing aid): None	Corrective Lenses: no



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Uniform Worn: Duty pants, shirt, helmet	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Less than lethal shotgun
Ballistic Vest: Yes, marked police	Body Worn Camera: yes
Other Recording Devices: None	Partner: N/A
Injuries: NO	Equipment Damage: NO
Training or Areas of Specialty: Drug recognition	OPOTC Certification: Marion Technical
Military Experience/Training: None	Use-of-Force Training: Morning of December 20, 2022
Prior Shooting Incidents: none	Prior Discipline or Use-of-Force Complaints: none
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: no
Alcohol in Past 24 Hours? none	Last Consumed Alcohol Prior to Incident: Couple days prior



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Officer's Firearm(s):

Weapon #1

Make: Less than lethal shotgun	Model:
Caliber/Gauge: N/A	Serial:
Type: Bean bag	Method of Carry: hands
Magazine Capacity: 5	Total Rounds as Carried (including chamber): 5
Extra Magazines: unknown	Number of Rounds in Extra Magazines: N/A
Discharged During Incident? yes	Primary or Backup Weapon: primary
Rounds Remaining After Incident: 4	Number of Rounds Fired: 1
Right/Left-Handed Carry: right	Ownership: MPD
Last Qualification Date: June 2022	Type of Holster, if any:

Weapon #2

Make: Glock	Model: 17
Caliber/Gauge: 9mm	Serial:
Type:	Method of Carry: holster
Magazine Capacity: 17	Total Rounds as Carried (including chamber):



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Extra Magazines: 2	Number of Rounds in Extra Magazines: 17
Discharged During Incident? no	Primary or Backup Weapon: Back up
Rounds Remaining After Incident: All	Number of Rounds Fired:
Right/Left-Handed Carry: right	Ownership: MPD
Last Qualification Date: June 2022	Type of Holster, if any:

Weapon #3

Make:	Model:
Caliber/Gauge:	Serial:
Type:	Method of Carry:
Magazine Capacity:	Total Rounds as Carried (including chamber):
Extra Magazines:	Number of Rounds in Extra Magazines:
Discharged During Incident?	Primary or Backup Weapon:
Rounds Remaining After Incident:	Number of Rounds Fired:
Right/Left-Handed Carry:	Ownership:
Last Qualification Date:	Type of Holster, if any:



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Statement of Officer [REDACTED] Marion City Police Department,
Regarding Incident of December 20, 2022

I. Background.

I began my full-time employment with the Marion City Police Department (“Marion PD”), as a Police Officer, on June 4, 2018. Prior to joining the Marion City Police Department, I had no prior law enforcement experience.

I completed my Basic Police Officer Training at Marion Technical College, Marion, graduating in June, 2018.

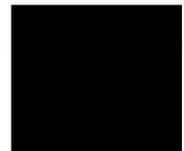
I attended Elgin High School, and graduated in 2014. I also attended Marion Technical College and received an Associate’s Degree of Applied Science in 2017.

I have no prior military service.

I have worked as a Patrol Officer since being hired at Marion PD. My current supervisor is Lieutenant Rob ^{Musser -} ~~Musser~~ [REDACTED]. My regularly assigned work hours are from 3:00 p.m. until 1:00 a.m. My regularly assigned workdays are Sunday through Wednesday. My regularly assigned days off are Thursday through Saturday.

In addition to my Patrol duties, I am a Field Training Officer and Drug Recognition expert.

I do not wear prescription glasses, contacts or any hearing aids. I am under no physical disability. I do not take any prescription medication. I was not under the



influence of alcohol or any drug, prescription or otherwise, on the date of the incident.

As a law enforcement officer, I have never received any discipline relative to use of force, or otherwise. I have never been the subject of any Internal Affairs investigation relative to use of force. In my law enforcement career, I have never before used lethal force. However, there have been occasions in which I have used less than lethal force, by use of my hands. Such uses have been reviewed and been found to be within Departmental Policy.

I am familiar with the Marion PD's Use of Force Policy. I was most recently trained on the policy on the morning of December 20, 2022, by Commander Wheeler.

I carry a Glock 17 caliber as my primary duty weapon which was issued to me by the Marion PD. I last qualified for this weapon in June of 2022. I carry three (3) magazines, two (2) on my belt and one (1) loaded in the pistol.

I also have access to a less than lethal shot gun, which is also Agency-issued. I last qualified for this weapon in June of 2022. There are five (5) rounds total in the shot gun, and all are bean bag rounds. This was the weapon I used during the incident.

On my duty belt, I carry (clockwise) the following: a tourniquet, my firearm, a gas mask, and my magazines. I carry on my outer vest, from my left to my right facing me: taser, flashlight, magazine, magazine, and handcuffs.

On Sunday, December 18, I worked my regularly-scheduled shift from 3:00 p.m. until 1:00 a.m. On Monday, December 19, I worked 3:00 p.m. until 9:30 p.m.

I was well rested for the call-out at 3:00 a.m. on December 20.

On the date of the incident, I was dressed in my SWAT uniform issued by the Marion PD.

I was wearing a body camera in accordance with the Marion PD policy. My body camera, both the audio and video, was working during the incident. I carried no personal recording device.

II. Incident Narrative.

On December 20, 2022, I was a part of a Marion Special Response Team (“SRT”) call out. The location for the call out was at 256 N. Swain Avenue, La Rue. I was briefed on this search warrant by Commander Wheeler. While enroute to this location, I was told by our on ground snipers that the suspect, identified as Travis Hellinger, was outside his pole barn, on the north side of it. As the Tactical Response Vehicle (“TRV”) was pulling up to Mr. Hellinger’s house, one of the snipers advised that Mr. Hellinger was running northbound towards the railroad tracks.

As I exited the TRV, I grouped up with my team on the ½ corner of the house. While half of the team was searching the residence, one of the snipers advised that Mr. Hellinger was not listening to commands. I responded to that location which was on the railroad tracks just north of the search warrant’s location with part of my team.

Once I arrived at the railroad tracks, I heard Mr. Hellinger yelling at officers. I had a less lethal shotgun loaded with bean bag rounds. Mr. Hellinger had a flashlight which he was using at times to blind me and the officers. I was able to see two (2)

handguns holstered in a chest rig he was wearing. I informed my team of this. Mr. Hellinger then started walking backwards westbound on the railroad tracks. Mr. Hellinger ignored more commands and would not stop. Mr. Hellinger was advised he was under arrest. Mr. Hellinger still kept walking away from us.

A K-9 was requested to the scene at this time. I heard the K-9 handler give several commands to Mr. Hellinger to stop, or he would release his K-9. Mr. Hellinger did not stop. The K-9 was released. I observed Mr. Hellinger draw a pistol from his person and fire at the K-9 and towards SRT members. I then discharged my less lethal shotgun at Mr. Hellinger. Mr. Hellinger fell to the ground and was told not to move.

Once the team approached Mr. Hellinger, he was found to be in possession of three (3) pistols. I grabbed one of the pistols from Lieutenant [REDACTED] and placed it away from Mr. Hellinger. I assisted our Tac Medic Williams in telling him there were bullet holes in Mr. Hellinger whom I was observing.

After that, Major Adkins took my less lethal shotgun and body camera. I then drove to the Marion City Police Department and waited for BCI to arrive. Once they arrived, they took photos of me. I then was released by Chief [REDACTED].

The weather on the date of the incident was cold and clear and there was no significant change in the weather during the time of the incident. The lighting was nighttime and there was no significant change during the time of the incident. However, there was sufficient lighting at the scene for me to make my observation.

The backdrop when I fired my weapon was railroad tracks, with no traffic or pedestrians in the backdrop area.

I had no prior law enforcement or personal contact with Mr. Hellinger.

I did not use lethal force in this incident. However, I believe the use of lethal force by the other officers was justified in this situation as Mr. Hellinger posed an immediate and direct threat to myself and other law enforcement officers at the scene.

My actions as described above, were consistent with my training and experience as a law enforcement officer.

My statement is made to the best of my recollection as to the incident on December 20. After preparing this statement, I viewed my body camera video and other videos on December 22 and it has not changed my recollection of the incident.

I wish to cooperate with this investigation and am prepared to answer any questions which you might have.

Respectfully submitted,



Officer 

01-03-2023

Date





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).

[Redacted Name]

Printed Name of Interviewee

01-03-2023

Date / Time

[Redacted Signature]

Signature

SA Josh Rimmer

BCI Agent (Printed)

[Handwritten Signature]

BCI Agent (Signature)