

Investigative Report

2024-3862

Officer Involved Critical Incident - 234 Mansfield Avenue, Shelby, Ohio 44875, Richland County



Investigative Activity: Interview with Involved Officer Sergeant Kocher

Involves: Sergeant Noah Kocher (S)

Activity Date: 12/18/2024

Activity Location: 31 Mack Avenue, Shelby, Ohio

Authoring Agent: SA John P. Tingley

Narrative:

On Wednesday, December 18, 2024, at 1104 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (SA Tingley) and SA Jesse Bynum (SA Bynum) interviewed Shelby Police Department (SPD) Sergeant Noah Kocher (Kocher), who was accompanied by his attorney, Bob Sauter, from the Fraternal Order of Police. The interview took place at the SPD located at 31 Mack Avenue, Shelby, Richland County, Ohio. The interview was audio recorded.

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 interview. 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. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

Sergeant Kocher read, understood, and signed the BCI Criminal Investigation Notification form which had been shown and explained to him by SA Tingley.

SA Tingley then had Sergeant Kocher read the written statement that he had prepared prior to his interview. After Sergeant Kocher read his statement, which began with preliminary and demographic information, agents asked several additional questions related to the incident. A summary of that information from the written statement is detailed below.

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Preliminary and Demographic Information:

Name: Noah Kocher	Rank: Sergeant (Sgt.)			
Badge Number: 508	Cruiser/Vehicle Number: Unknown			
Radio Call Sign: 508	Immediate Supervisor: Captain Rath			
Radio Channel Utilized: SPD Primary	Mobile Data Terminal: Present; Not Used			
Cruiser Description: Marked SPD Cruiser	Occupants of Cruiser and Seating			
with lightbar	Positions: Sole occupant			
Assignment: Patrol	Normal Shift:			
In-Car Camera: Operational, But Not Used	Spotlight: Present; Not utilized			
Emergency Lights: Present; Not Utilized	Siren: Present; Not Used			
Shift Day of Incident:	Duty Status: On-Duty			
Days Off:	Prior Overtime or Extra Details within			
Days Off.	Preceding 48 Hours: None			
Hours of Sleep Prior to Incident: 9	Consider Self Well Rested?: Yes			
Total Length as Officer: 3 + years	Length at Current Agency: 2+ years			
Physical Disabilities (to include hearing	Corrective Lenses: No Corrective Lenses			
aid): None				
	Equipment and Less-Lethal Options			
Uniform Worn: SPD. Blue shirt with SPD	Carried on Person/Belt/Vest: Sig P320			
shoulder patches. Blue pants	pistol, baton, flashlight, pepper spray,			
	spare magazines, taser			
Ballistic Vest: External Armor	Body Worn Camera: Present & Used			
Other Recording Devices: None	Partner: None			
Injuries: Stab wound left side of neck, cut	Equipment Damage: None			
above left eye				
Training or Areas of Specialty: None	OPOTC Certification: Yes			
Military Experience/Training: Yes. Army	Use-of-Force Training: Yes. Annual			
National Guard				
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force			
	Complaints: None			
Medications, Prescriptions, or Drugs	Medications, Prescriptions, or Drugs			
that might Impair Your Duties at Time	that might Impair You Now for			
of Incident: None	Interview: None			
Alcohol in Past 24 Hours? None	Last Consumed Alcohol Prior to			
	Incident: None			

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Officer's Firearm(s):

Weapon #1

Make: Sig Sauer	Model: P320
Caliber/Gauge: 9 mm	Serial: Unknown
Type: Semi-Auto Handgun	Method of Carry: Belt Holster
Magazine Capacity: 17	Total Rounds as Carried (including
	chamber): 18
Extra Magazines: 3	Number of Rounds in Extra Magazines:
	65 or 66
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: Not	Number of Rounds Fired: Not sure
sure	
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: 11/9/2024	Type of Holster, if any: Security

Narrative:

Sergeant Kocher stated that he was on patrol and sitting in a business near the Arby's Restaurant (Arby's) when he observed Tyler Jacobs (Jacobs) exit the main doors at Arby's. Sergeant Kocher knew that Jacobs worked at Arby's and that Jacobs had a warrant out for his arrest from the Shelby Municipal Court. Sergeant Kocher verified with SPD Dispatch that Jacobs had an active warrant and called for SPD Officer Dominic Ewing (Ewing) to go with him to Arby's in order to arrest Jacobs.

Both Sergeant Kocher and Officer Ewing arrived at Arby's and entered the business. Sergeant Kocher spoke with another employee, later identified as the restaurant's Assistant Manager, and asked him to get Jacobs. Due to Jacobs having previously fled from the police, Sergeant Kocher directed Officer Ewing to exit the restaurant and to watch the back door.

Sergeant Kocher, who was by himself at this time, contacted Jacobs, who had come from the back of the restaurant. Sergeant Kocher informed Jacobs that there was an active warrant for his arrest.

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Sergeant Kocher stated: "I began to turn and grab Mr. Jacobs to secure him under arrest, at which point he quickly turned towards me and used his right hand to strike me in the left side of my neck with a knife." (written statement page 3, full paragraph 3)

Sergeant Kocher continued: "Mr. Jacobs then attempted to swing at me again with the knife in his right hand. Mr. Jacobs then cut my face with the knife, cutting me from the bottom of my right eye stretching to above my right eye on my forehead." (written statement page 3, full paragraph 4)

Sergeant Kocher then said: "At this point, I quickly turned towards the back of the restaurant, attempting to create distance between myself and Mr. Jacobs. I began to run towards the rear of the restaurant while unholstering my duty weapon. I heard Mr. Jacobs behind me, and upon turning around, I saw that Mr. Jacobs was following me with the knife still in his right hand in an attack position. I then proceeded to discharge several rounds from my duty weapon towards Mr. Jacobs. My aim was for center mass. Mr. Jacobs then proceeded to fall to the floor." (written statement page 3, full paragraph 5)

Sergeant Kocher then radioed dispatch that shots had been fired and that he had been stabbed in the neck. He then applied pressure to the wound on his neck because of the large amount of blood coming from that wound.

Officer Ewing arrived back inside the Arby's and secured Jacobs in handcuffs and moved the knife to a position where Jacobs could not get to it. Sergeant Kocher then directed Officer Ewing to begin providing first aid to Jacobs. Officer Ewing then provided first aid to Jacobs, including applying tourniquets to both of Jacob's legs.

A short time later SPD Sergeant Nolen arrived and helped Sergeant Kocher to a Shelby Fire Department squad/ambulance. Sergeant Kocher was then transported to Ohio Health Mansfield Hospital for treatment.

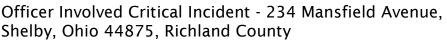
Sergeant Kocher then stated: "I used lethal force in this incident by discharging my firearm because I did not believe that there was any less lethal force I could have used that would have been as effective in stopping the immediate and direct threat that Mr. Jacobs posed to me, and potentially to the restaurant manager who was in the restaurant. The immediate and direct threat to me was caused by Mr. Jacobs striking me with his knife in my neck and on my forehead and his continuing to come towards me with his knife raised in an attack position after he first struck me and I attempted to retreat after first being struck." (written statement page 4, full paragraph 4)

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SA Tingley then asked Sergeant Kocher what the approximate distance was between he and Jacobs when he fired. Sergeant Kocher replied, approximately ten (10) feet.

SA Tingley then presented Sergeant Kocher with an Authorization to Release of Information form from Ohio Health Mansfield which will allow SA Tingley to obtain Sergeant Kocher's emergency room treatment records related to the incident. Sergeant Kocher reviewed the form and signed and dated the form.

The interview concluded at approximately 1120 hours.

The interview was audio-recorded and was attached to this report as Reference Item C. The signed BCI Criminal Investigation Notification form, Medical Authorization to Release of Information form, and signed written statement are also attached to this report. Please see the attachments and audio recordings for further details.

References:

Ref Item C - Stored in Evidence.com - Officer Interviews

Attachments:

- 1. Sergeant Kocher Criminal Notification Form
- 2. Sergeant Kocher Written Statement
- 3. Sergeant Kocher Medical Authorization to Release of Information Form

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BCI Agent (Signature)

Ohio Attorney General's Office Bureau of Criminal Investigation



Criminal Investigation Notification

- 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 <u>not</u> a "Garrity" interview (where you could be required to answer).

North KoCHER Printed Name of Interviewee	2/18/24 Date Time
Signature of Interviewee	
SA JOHN TINGLEY B(I Agent (Printed)	
12	

10:59

Statement of Sgt. Noah Kocher, Shelby PD Regarding Incident of December 7, 2024

I. Background.

I began my fulltime employment with the Shelby Police Department ("Shelby PD"), Shelby, Ohio, as a Police Officer in July 2021. In October 2022, I resigned my position as a Police Officer to attend college at Lorain County Community College. I was rehired by the Shelby PD as a Police Officer in August 2023 and I was promoted to my current rank of Sergeant in October 2023.

Prior to my employment as a Police Officer at Shelby PD, I served as a part-time Police Officer for the Village of Elmore from September 2020 to July 2021. I resigned my employment at the Village of Elmore in order to secure fulltime employment with Shelby PD.

I completed my Basic Police Officer Training at the EHOVE Career Center (School of Public Safety), graduating in February 2020.

I graduated from St. Paul High School, Norwalk, Ohio in 2017. I attended Lorain County College, Elyria, Ohio, on a full-time basis from October 2022 to August 2023. I continue part-time studies at Lorain County Community College and am working to attain a BA degree in Education.

I served in the Army National Guard

My current supervisor is Captain Eric Rath. My regularly assigned work hours are from

My current assignment is as a Patrol Shift Sergeant. I also serve as the Recruiter for the Shelby PD, making recommendations for hire. I also have a lead position with the Domestic Violence Victim Advocate Team.

I do not wear prescription glasses, contacts or any hearing aid. I am under no physical or mental disability. I take no prescription medication on a regular basis, and did not take any prescription medication on the date of the incident. I consumed no alcohol within eight (8) hours prior to the start of my shift at 7pm on the date of the incident.

As a law enforcement officer, I have never received any discipline relative to use of force. I have never been the subject of any Internal Affairs investigation relative to use of force at either

Shelby PD or at the Village of Elmore. In my law enforcement career, I have never before used lethal force. On occasions where I have used less than lethal force, or attempted to do so, while employed at Shelby PD, all such uses of force have been reviewed and found to be appropriate.

On the date of the incident, I acquired my department-issued duty weapon, a Sig Sauer Full Size P320. I last qualified for this weapon on November 9, 2024. I carry four (4) magazines for this weapon, three of which hold 17 rounds and one which holds 14 up to 15 rounds. The magazine in my duty weapon held 17 rounds. I believed after the incident that I had fired three (3) rounds, but in reviewing my body camera video on December 12, 2024, it appears that I fired seven (7) rounds in the incident.

On my duty belt I carry (clockwise): my Sig Sauer P320 handgun (my duty weapon), my baton, my flashlight holder, pepper spray, my magazines, and my taser. All of these items are department-issued. I did not carry a backup weapon on the date of the incident.

On Thursday and Friday, December 5 and 6, respectively, I worked my regularly assigned hours,

I did not work any overtime or any special duty on these days.

I was well rested prior to the start of my 7pm shift on December 7, having slept for approximately nine (9) hours from Saturday morning through Saturday afternoon.

On the date of the incident, I was dressed in my standard Patrol uniform for the Shelby PD. I was wearing a body camera on my outer vest during the incident. This body camera is issued to me by the Shelby PD. On my outer vest, I carried a personal knife. I did not use this knife during the incident.

On the date of the incident, my call-in number was 508. The marked cruiser which I used on the date of the incident was cruiser #508. The cruiser does have in-dash video, but it was not operational on the date of the incident and has not been operational for some period of time.

II. Incident Narrative.

On December 7 around 11:15 pm, I was sitting stationary in my cruiser in the parking lot of Rocket Chevrolet, 233 Mansfield Avenue, when I observed Tyler Jacobs exit the main doors at Arby's, 234 Mansfield Avenue. I knew that Mr. Jacobs worked at this restaurant. I had knowledge that Mr. Jacobs currently had an active warrant for Failure to Appear from Shelby Municipal Court. I contacted Dispatch which confirmed that this warrant was still active. By radio, I advised Shelby

PD Officer Dominic Ewing that Mr. Jacobs was at the restaurant. Officer Ewing was in his marked cruiser and stationary approximately 500ft. from where I was situated.

Officer Ewing and I then traveled in our marked cruisers to Arby's where, upon pulling into the parking lot, Mr. Jacobs, who was outside of the restaurant near the front of the building, immediately returned inside the restaurant alongside another individual who was later identified as the restaurant manager.

Both Officer Ewing and I entered the restaurant. I spoke to the restaurant manager who advised that Mr. Jacobs was indeed in the restaurant. The restaurant manager proceeded to go and get Mr. Jacobs for me. Due to Mr. Jacobs having previously fled from officers in separate encounters, I instructed Officer Ewing to go outside and watch the back door. I gave this direction in the event that Mr. Jacobs would attempt to flee.

Mr. Jacobs came from the back of the restaurant and began walking towards me. I asked Mr. Jacobs if he knew why I was there, to which he stated that he did not. I then informed Mr. Jacobs that he had an active warrant for his arrest. I began to turn and grab Mr. Jacobs to secure him under arrest at which point he quickly turned towards me and used his right hand to strike me in the left side of my neck with a knife.

I immediately felt an immense pressure in my neck. Mr. Jacobs then attempted to swing at me again with the knife in his right hand. Mr. Jacobs then cut my face with the knife, cutting me from the bottom of my right eye stretching to above my right eye on my forehead.

At this point I quickly turned towards the back of the restaurant, attempting to create distance between myself and Mr. Jacobs. I began to run towards the rear of the restaurant while unholstering my duty weapon. I heard Mr. Jacobs behind me, and upon turning around, I saw that Mr. Jacobs was following me with the knife still in his right hand in an attack position. I then proceeded to discharge several rounds from my duty weapon towards Mr. Jacobs. My aim was for center mass. Mr. Jacobs then proceeded to fall to the floor.

I quickly advised Dispatch that shots had been fired and that I had been stabbed in the neck. I advised Dispatch to contact EMS, Chief Combs ("11"), Captain Rath ("15"), and Detective Turner ("5"). I did this per Shelby PD policy. I began to apply pressure to my neck because there was a large amount of blood coming from my neck.

Officer Ewing arrived inside the restaurant and first secured Mr. Jacobs in handcuffs and moved the knife from his reach. Officer Ewing then attempted to give me first aid, but I instructed

him to provide Critical First Aid to Mr. Jacobs. Officer Ewing proceeded to apply tourniquets to both Mr. Jacobs' legs and also provided additional care to him, as I attended to my own wounds. A short time later, Shelby PD Sgt. Nolen arrived to assist. When Shelby Fire arrived on scene, Sgt. Nolen helped me outside and helped secure me inside of the Shelby Fire ambulance where I was provided care and transported to OhioHealth Mansfield. Upon reaching the hospital,

The weather on the night of the incident was cold and cloudy and there was no significant change in the weather during the time of the incident. At the time of the incident it was night time, with some lighting outside the restaurant, but the interior of the restaurant was well lit.

The backdrop when I fired my weapon was the interior of the restaurant. There were no individuals in the line of my fire other than Mr. Jacobs.

I had prior contact with Mr. Jacobs in October 2024. I was on scene when Shelby PD Officer Howard tried to stop Mr. Jacobs for not having lights on his bicycle, a violation of City Ordinance. Mr. Jacobs ignored Officer Howard's efforts. Mr. Jacobs, who was riding his bicycle, saw me and went around my cruiser and then rode his bike into Officer Howard's cruiser. Out of this incident Mr. Jacobs was cited for not having lights on his bicycle, a minor misdemeanor, and for failure to comply with a signal of an Officer, an M1 violation. I believe that twice, after Mr. Jacobs failed to appear in court for this violation, he was taken to jail but was bonded out. Other than this incident in October, 2024 I had had no personal contact with Mr. Jacobs.

I used lethal force in this incident by discharging my firearm because I did not believe that there was any less lethal force I could have used that would have been as effective in stopping the immediate and direct threat that Mr. Jacobs posed to me, and potentially to the restaurant manager who was in the restaurant. The immediate and direct threat to me was caused by Mr. Jacobs striking me with his knife in my neck and on my forehead and his continuing to come towards me with his knife raised in an attack position after he first struck me and I attempted to retreat after being first struck.

My action in firing my firearm, as described above, was consistent with my training and experience as a law enforcement officer.

My statement is made from the best of my recollection as to the incident on December 7, 2024. On December 12, 2024, I had the opportunity to review my body camera of the incident and

my review has not led me to make any material change in my statement as to what occurred during the incident, other than what I have noted as to my initial and subsequent belief as to the number of rounds which I fired during the incident.

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

Respectfully submitted,

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A	UTHORIZATION TO RE	LEASE OF	NFORMATION		
1. PATIENT INFORMATION	1	IRN (OFFICE US	E ONLY):		_
LAST NAME KOCHER	FIRST NOWH	MIDDLE	170	Maiden	
ADD DO	MAINTE	R			MESSAGE
2. REASON FOR REQUEST					MESSAGE)
☐ CONTINUITY OF CARE - MEDICAL-TREAT☐ RESEARCH☐ Other (Describe)	FMENT □ INSURANCE □ ADOPTION		REASONS DYMENT RELATED	☐ DISABILITY	
3. INFORMATION TO BE DISCLOSED BY (pl	lease specify location in space	provided):			
FREESTANDING ED		☐ HEALTH CE☐ PHYSICIAN	OFFICE		
4. DATES OF SERVICE TO BE RELEASED:					
DATE/YEAR OF SERVICE(S): FROM _					
5. RECORDS TO BE RELEASED (CHECK A					
☐ DISCHARGE SUMMARY ☐ PATE HISTORY AND PHYSICAL ☐ RAD CONSULTS ☐ LABS ☐ RE	MERGENCY DEPT. REPORT(S) THOLOGY IDIOLOGY/IMAGES IMAGES □ RADIOLOGY REF CORD SUMMARY (INCLUDES, I	PORT PHYS	ER:	3:	
		TIENT E-PORTA	L/eDelivery (Provide email be	low).	
	size If records exceed file size, records will be de				
If pick up was selected, please indicate which le Please select below) (Medical record only requests at thes ☐ Riverside Methodist Hospital ☐ Grant Medical C	se locations)	removed by OH, p		ed. If you agree to have the encryp oving the encryption, your personal al record requests only).	
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7. RELEASE TO:					
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ADDRESS: 4015 HIGHENISTR PA	RKWAY	CITY: RICH	FIELD	STATE: OHIO ZIP: 4	4286
PHONE: 216-218-2425		FAX:			
8. PROHIBITION ON REDISCLOSURE:					
I understand this information has been disclose you from making any further disclosure of this in the release of medical or other information, if he provision of this law shall be subject to prosecu	nformation except with the specifi eld by another party, is not sufficiention under Federal law.	c written consent ent for this purpos	of the person to whom ise. Federal Regulations	it pertains. A general authoriza	ation for
9. FEES: Per Ohio Revised Codes and HIPAA,	there may be a charge for copying	ig medical record	s		
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 I understand by signing this authorization it I understand that my records/protected hea I understand that this authorization may inc (Acquired Immunodeficiency Syndrome), P As described in the Notice of Privacy Practithat action has been taken by OhioHealth in Medical Records Department. If this authoriauthorization will remain in effect for a maximum. 	alth information cannot be released lude information concerning testing SYCHIATRIC and/or DRUG/ALCOM ices of OhioHealth, I understand to in reliance on this authorization, by ization has not been revoked, it we	d unless I sign thi ng, diagnosis or t HOL TREATMENT hat I may revoke v sending a writte	is form. reatment of HIV (Human f and/or ASSAULT RECO this authorization in writ on revocation to the entit	Immunodeficiency Virus), AID PRDS that may be in my medicating at any time, except to the gy's Health Information Manage	S al record. extent ement
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Signature of Individual Authorized by Patient			Date	Time	
Relationship to Patient					
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AUTHORIZATION TO RELEASE OF INFORMATION