



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



2024-3257

Officer Involved Critical Incident – 200 Cline Avenue,
Mansfield, Ohio 44907

Investigative Activity: Interview with Sergeant Shane Gess

Involves: Sergeant Shane Gess

Activity Date: 11/01/2024

Activity Location: Mansfield Police Department-30 N. Diamond Street,
Mansfield, Ohio

Authoring Agent: SA Cory Momchilov #64

Narrative:

On Friday, November 1, 2024, at 1122 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Jon Lieber (Lieber) interviewed Sergeant Shane Gess who was accompanied by his attorneys, Robert Sauter (Attorney Sauter) and Lane Hagar (Attorney Hagar), from the Fraternal Order of Police. The interview took place at the Mansfield Police Department, located at 30 North Diamond Street, Mansfield. The interview was audio and video recorded.

Sergeant Gess was identified as being a police officer who witnessed and/or had some level of involvement in the October 19, 2024 officer-involved shooting which occurred in the area of 200 Cline Avenue, Ohio. Reportedly, Sergeant discharged a less-lethal rubber baton during the incident. The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

Prior to the interview, agents were advised by Attorney Sauter that Sergeant Gess had prepared a typed statement, which a copy was provided to agents. It was decided that Sergeant Gess would read his typed statement to investigators, and afterward agents would ask any follow-up or clarification questions.

Sergeant Gess' typed statement is attached to this Investigative Report. The reader of this Investigative Report is strongly encouraged to read the typed statement in its entirety before reading the follow-up question section of this Investigative Report.

Also, prior to the interview, Sergeant Gess read, understood and signed the BCI Criminal Investigation Notification form.

Follow-Up Questions

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SA Momchilov asked Sergeant Gess if he could describe what the “attack” position was.

Sergeant Gess stated, “His hands raised above his head, knife in each hand, walking at us (Figure 1) and as he got closer his hands went from here (Figure 2) to here (Figure 3), which allows you to come down with better force [6:47].



Figure 1



Figure 2



Figure 3

SA Momchilov stated, “You were the less-lethal option in this.”

Sergeant Gess replied, “I was.”

SA Momchilov asked, “If, I guess if you had your rifle or firearm, would you have fired?”

Sergeant Gess stated, “Yes, I would have.”

Sergeant Gess further stated he did have his rifle slung across his chest but that the rifle was not in a raised position since he was using two hands to use the less-lethal launcher.

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Sergeant Gess advised that after he fired the less-lethal rubber baton at the individual, the individual never stopped moving toward officers. Officer Gess stated that he is unsure if the rubber baton stuck the individual.

Sergeant Gess' typed statement, the audio recording of the interview and the Criminal Investigation Notification form are attached to this Investigative Report.

The video recording of Sergeant Gess' interview was placed onto a portable hard drive and placed into the item section of the physical case file, labeled as Reference Item E.

References:

1. Reference Item E-Video recording of Sergeant Gess' interview

Attachments:

1. Sergeant Gess' Typed Statement
2. Audio Recording of Sergeant Gess' Interview
3. Criminal Investigation Notification form signed by Sergeant Gess

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Statement of Sergeant Shane Gess, Mansfield Police Department,
Regarding Incident on October 19, 2024

I. Background.

I began my full-time employment with the Mansfield Police Department ("Mansfield PD"), as a Police Officer, on August 14, 2013. I was promoted to my present rank of Sergeant on July 22, 2024. Prior to joining the Mansfield PD, I served part-time as a Police Officer for the Butler Police Department. I completed my Basic Police Officer Training at North Central State College, graduating in June 2010.

I attended Clear Fork High School in Bellville, Ohio, and graduated in 2002. I attained a Associate's Degree at North Central State College, graduating in 2008. I also attained a Bachelor's Degree at Ashland University, graduating in 2022. I attended Baptist Bible College for a period of time, but did not obtain a degree there. I have no prior military service.

My current supervisor is Lt. Webb. My regularly assigned work hours are from 2:00 p.m. until 10:00 p.m. I regularly work six (6) days on and two (2) days off, with my days off rotating each week.

My current assignment is as a Patrol Sergeant. I also serve as a Field Training Officer ("FTO") and as part of the Special Weapons and Tactics Team ("SWAT") and Allied Special Operations Response Team ("ASORT").

I do not wear prescription glasses, contacts or any hearing aids. I am under no physical disability. I take three (3) prescription medications which are known to the Mansfield PD. These prescription medications do not impede my ability to perform my duties as a law enforcement officer. I had consumed no alcohol within eight (8) hours prior to the call-out 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. In my law enforcement career, I have never before used lethal force.

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I am familiar with the Mansfield PD's Use of Force Policy, as I received training on this Policy in the past year by a Lt. Gearhart.

On the date of the incident, I fired a 40 mm Launcher which was issued to me by the Mansfield PD. I had six (6) rounds in the weapon and I fired one (1) round in the incident.

On my duty belt, I only carry my Sig Sauer P320 handgun, which is my duty weapon and was also issued to me by the Mansfield PD. I last qualified for this weapon on October 18, 2024.

On Thursday and Friday, October 17 and 18, respectively, I was scheduled from 8:00 a.m. until 4:00 p.m. for SWAT training. I worked no special duty or overtime on those days.

I was well-rested at the time of the SWAT call-out on Saturday, October 19. Prior to the call-out, I had slept for approximately five (5) hours.

On the date of the incident, I was dressed in multi-camouflage BDU tops and bottoms with MPD shoulder patches. I also wore a green tactical vest with "Police" written on the front and back in large print.

I was not wearing a body camera during the incident, as we do not carry them during SWAT callouts. I carried no personal recording device.

The cruiser we used, Unit S2, did have in-dash video but it was not activated at the time of the incident. My badge number and radio designation is 260.

II. Incident Narrative.

On Saturday, October 19, 2024, I responded to 200 Cline Ave., Mansfield, Ohio, in reference to a hostage situation with the Allied Special Operations Response Team ("ASORT"). Sgt. Haines, Sgt. Gladden, Ofc. Webb and I responded as the Quick Reaction Force ("QRF"). Upon our arrival,

we made our way to the rear of the residence where the Hostage Negotiation Team ("HNT") was talking with the suspect, Mr. Oswald, through the open rear door along with a third shift patrol officer from MPD.

Sgt. Haines and Ofc. Webb took positions in the door frame and I was behind them with the Less Lethal 40 MM launcher loaded with foam batons. Sgt. Haines began communicating with Mr. Oswald, who was vulgar with his responses. Mr. Oswald made several references that this was going to be his last night alive. Mr. Oswald also sent a text message to someone via Siri stating he was going to die tonight. Mr. Oswald then made a music playlist via Siri that was titled "Funeral Playlist."

At one point, when the female victim was retrieving cigarettes and water for Mr. Oswald, he yelled what was taking so long and we could hear his footsteps move toward the door with the children. The female screamed don't hurt them and then ran upstairs. After approximately two (2) hours, Mr. Oswald finally released the two (2) children and they ran out of the front door of the house.

The female then ran down the steps screaming he was going to kill her and ran into the kitchen where we were in the door frame. Sgt. Haines pushed the female to the corner, shielding her as Mr. Oswald was coming down the steps after her. The female ran behind Sgt. Haines to Ofc. Webb and then to me and I got her out of the house and handed her off to HNT.

Sgt. Haines and Ofc. Webb pulled back into the door frame of the house to the kitchen and we resumed our prior positioning as Mr. Oswald made his way over the items he had thrown down the steps earlier. Mr. Oswald had both hands held out above his shoulders with a knife in each hand. Mr. Oswald was given multiple commands to drop the knives and get back. Mr. Oswald was about six (6) feet away when I fired one (1) foam baton into him, which had no immediate effect.

Immediately following the less lethal shot, Sgt. Haines, Sgt. Gladden and Ofc. Webb opened fire with their rifles as Mr. Oswald was only a few feet away from us. Mr. Oswald immediately fell to the floor. Sgt. Haines entered and I followed. I secured Mr. Oswald in handcuffs. Ofc. Webb yelled for medics. As I got Mr. Oswald handcuffed, Tactical Emergency Medical Services ("TEMS")

Medic Smith arrived and I rolled Mr. Oswalt over for him to render aid. I gathered my 40mm at this time and left the scene and went to the command post.

The weather on the date of the incident was clear and mild and there was no significant change in the weather during the time of the incident. At the time of the incident, it was nighttime and dark outside, in part because we disabled the rear porch light, but the interior of the house was well-lit.

The backdrop when I fired my weapon was the interior back wall of the house.

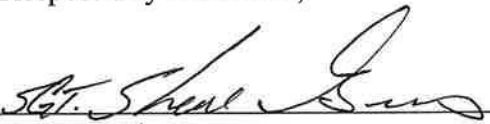
Prior to the incident, I knew Mr. Oswalt because he graduated one (1) year ahead of me from the same high school. I was also involved in an arrest of Mr. Oswalt that occurred approximately seven (7) or eight (8) years prior to this incident. While I do not recall the exact circumstances that led to my interaction with Mr. Oswalt on that particular occasion, my recollection is that he was charged with resisting arrest and possession of drugs and other illegal paraphernalia.

I did not use lethal force in this incident. However, I believe the lethal force taken by other officers involved in this incident was consistent with my training and experience as a law enforcement officer, as Mr. Oswalt posed a direct and immediate threat to me and other officers and personnel at the scene by continuing to advance towards us with the two (2) knives raised above his head in an attack position.

My statement is made from the best of my recollection as to the incident on October 19, 2024.

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

Respectfully submitted,


Sergeant Shane Gess

11-1-24
Date



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).

SGT. SHANE GESS
Printed Name of Interviewee

11-1-24 1120
Date / Time

SGT. Shane Gess
Signature of Interviewee

Cory Monchik
BCI Agent (Printed)

[Signature] #67
BCI Agent (Signature)