



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: Tpr. [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 [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 1132 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 10 years and is assigned as a task force officer for the Cincinnati DEA. He was wearing a clearly marked Trooper uniform on the date of the incident.

[REDACTED] said that he heard via radio about an incident on I-71 related to the FBI. Sgt. [REDACTED] was responding to the incident and requested for additional units.

[REDACTED] stated that he used his in-car computer to obtain additional information and was advised that there was an individual who attempted to breach into the FBI building. The information indicated that the subject was armed with a rifle and that agents were following the subject's vehicle on North I-71 towards Mason. The subject was described as a White male, bald, with unknown clothing, operating a white Crown Vic.

A short time later, [REDACTED] said that Trooper Illanz located the subject's vehicle on North I-71

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

in Warren County. At that time, [REDACTED] continued to the area to assist. He heard via radio that troopers were in pursuit of the subject's vehicle, but he was not on scene at that time. [REDACTED] was then told that the subject's vehicle stopped and that shots had been fired by the suspect.

[REDACTED] 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. [REDACTED] indicated that he parked behind several vehicles already on scene and made his way up to the right rear of Trooper Illanz's patrol vehicle, a Dodge Charger.

[REDACTED] stated that attempts were made by other officers to give commands to the subject and aviation assistance arrived. [REDACTED] said that the subject was on the driver's side of his vehicle, using the vehicle as cover.

[REDACTED] stated that he saw a "silhouette" of the subject's head and a rifle barrel pointed in his direction. [REDACTED] said that Trooper Illanz and aviation observed the same. After the subject further revealed himself, [REDACTED] stated that he discharged his weapon due to the threat that the subject posed. [REDACTED] was armed with his AR-15 rifle (Anderson with iron sights) which he shot through Trooper [REDACTED] driver's door glass, to engage the subject. [REDACTED] stated his rounds were targeted towards the location of the subject and the rear passenger side of the subject's vehicle. [REDACTED] could not recall how many rounds he fired, but estimated it was approximately half a full magazine, which is typically 28 rounds.

[REDACTED] said that he did a tactical reload and placed his original fired magazine (32 rounds) on the rear of Trooper Illanz's vehicle. No additional rounds were fired from the new magazine. It was later determined that BCI had not collected the fired magazine and it was handed over at a later date. [REDACTED] gave his rifle to Lt. Price after clearing it and making it safe.

[REDACTED] stated that he coordinated getting bigger vehicles up front and armored vehicles on scene and remained as cover until additional units arrived. [REDACTED] said that the subject did not fire at officers while he was on scene, however, deadly force was authorized.

The interview between [REDACTED] and BCI concluded at 1157 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #3) and typed statement provided by [REDACTED] (attachment #4).

Attachments:

- Attachment # 01: Trooper [REDACTED] [REDACTED] Crim Notification Form
- Attachment # 02: Trooper [REDACTED] [REDACTED] Diagram
- Attachment # 03: 2022-09-06 / Trooper [REDACTED] [REDACTED] audio interview
- Attachment # 04: Trooper [REDACTED] [REDACTED] Written Statement

Exhibit 1



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Bureau of Criminal Investigation
Office 740-845-2181
Fax 740-845-2020

1560 SR 56, PO Box 365
London, OH 43140
www.OhioAttorneyGeneral.gov

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

9/6/2022 @ 11:35
Date / Time

[Redacted Signature]

Signature of Interviewee

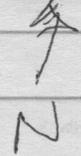
SA KEN SMITH

BCI Agent (Printed)

SA [Signature]

BCI Agent (Signature)

Exhibit 2



SUSPECT VEHICLE

SUSPECT

FOUR

THE KENNEDY
PROPERTY

SMITH RD

80'

THE KENNEDY

ILL

THE

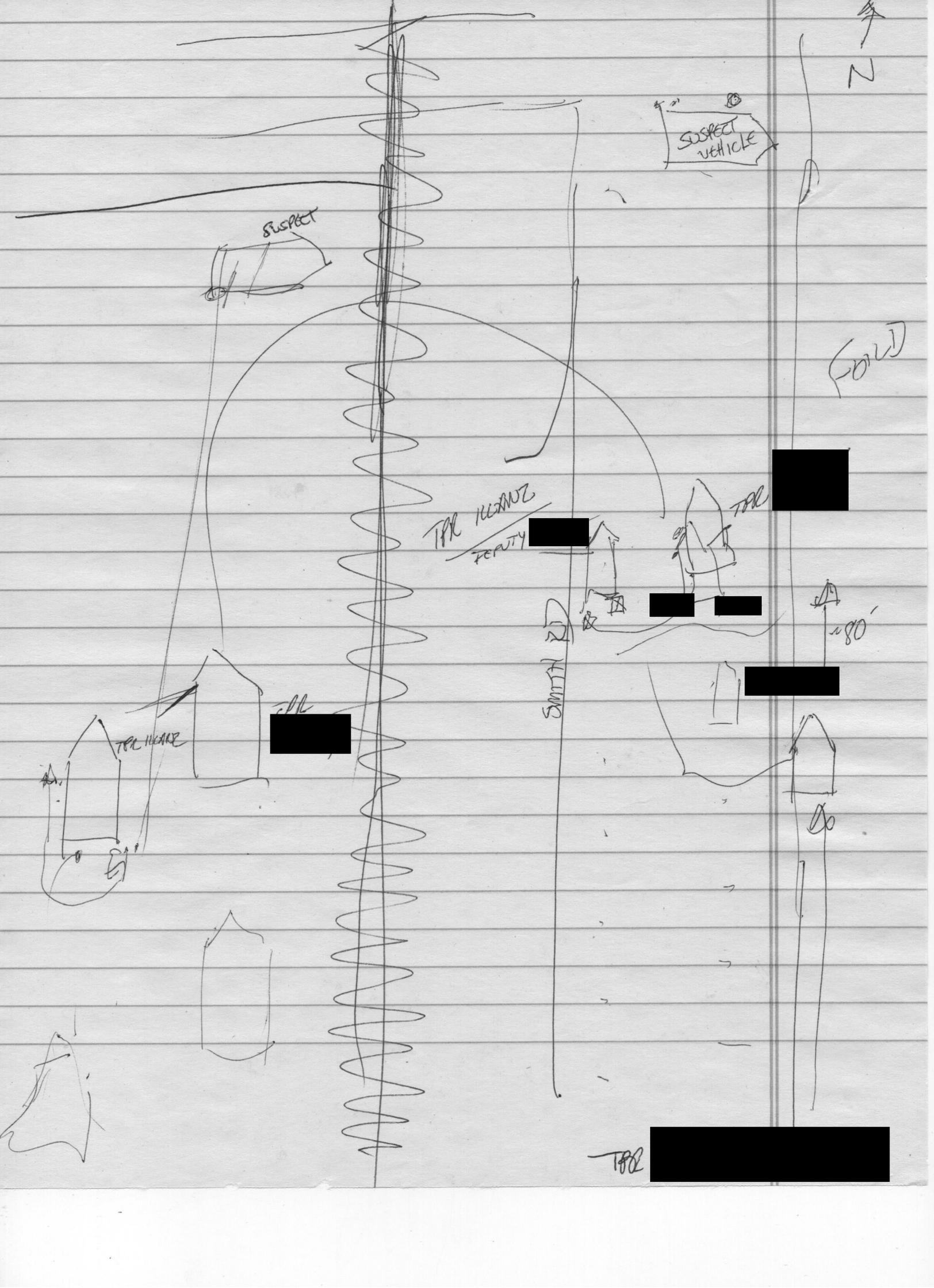


Exhibit 3

Included as a separate file.

Exhibit 4

STATEMENT OF [REDACTED]

AUGUST 19, 2022

I am a Trooper with the Ohio State Highway Patrol. I have been employed as with the Ohio State Highway Patrol since 2012. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 2013.

I am currently assigned as a Trooper in the criminal patrol unit with the Office of Criminal Investigation. I am assigned to the Wilmington District and tasked to the Cincinnati DEA. I work with the Warren County Drug Task Force.

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 0800 to 1600 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 5 magazines containing 17 rounds each. One magazine is contained in the firearm, 2 magazines are carried in my vest, and 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 my personal Anderson AM15 rifle. I am permitted to carry my personal rifle, per policy, and I have qualified on this weapon. This weapon is carried in cargo area of my vehicle mounted. I had 3 magazines containing 28 rounds. One magazine round was in the rifle, the remaining 2 are carried in my vest.

I was helping with a crash on I-75 in Franklin. I heard over the radio and read in the incident comments that the FBI was looking for a person who had attempted to breach the FBI Office in Cincinnati. I was later told to be on the look out for a white Crown Victoria with white male driver traveling northbound

on I-71. I was subsequently informed that the suspect was armed with an assault rifle and possibly a nail gun.

I proceeded to I-71. I stopped to put on my ballistic vest, helmet, and rifle. Trooper Illanz informed broadcast over the radio that he had observed the suspect vehicle traveling northbound on I-71 and was pursuing at normal highway speed. I was later informed that the vehicle had fled from officers and that shots had been fired on the Interstate. I was informed that the suspect had exited on SR 73 and was stopped on Smith Road. I was informed that further shots had been fired.

I arrived on the scene. I observed several police vehicles stacked up. I exited my vehicle with my rifle and assisted the officers on the scene. This is consistent with my training and experience in conducting felony stops. I observed the suspect's vehicle about 70 yards away partially in a ditch near some trees. I could observe bullet holes on both Patrol and Suspect vehicles. I could not initially see the suspect.

Aviation arrived on scene and provided updates. Aviation informed us that the suspect had a rifle and possibly another firearm. We were also told that the suspect was putting on a vest.

Verbal commands were given for the suspect to surrender, put his gun down, and put his hands up. The suspect did not comply with the commands. I observed the silhouette of the suspect behind his car. He was crawling towards the rear of the vehicle with a rifle in his hand. The suspect appeared to be pointing the rifle in our direction; this was confirmed by aviation.

I believed that I was 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, fired on the suspect. I believed that I had a clear line of sight on the suspect. I received an order to cease firing.

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 remained in a covered position and we received updated information from an observer in a helicopter. 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 reported to the Wilmington Post.

 8/29/2022