



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



2022-1354  
Officer Involved Critical Incident – 135 Old National Rd, Lore City  
(L)

**Investigative Activity:** Interview with Officer  
**Involves:** Major [REDACTED] (S)  
**Date of Activity:** 07/01/2022  
**Activity Location:** Guernsey County Sheriff's Office – Business – 601 Southgate Parkway, Cambridge, OH 43725, Guernsey County  
**Author:** SA James Poole

**Narrative:**

On Tuesday, July 1, 2022, at 1225 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents James Poole (SA Poole) and Jim Mulford (SA Mulford) interviewed Guernsey County Major [REDACTED] (Major [REDACTED]). The interview took place at the Guernsey County Sheriff's office at 601 Southgate Pkwy., Cambridge, Ohio. Major [REDACTED] was identified as being a police officer who responded to a vehicle barricade situation which involved the now deceased Joy Graham (Graham). The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

This interview was audio recorded, and a copy of the recording was saved electronically within the case file. Please refer to the recording for specific quotes. The following is a summation of the interview.

Prior to beginning the interview, SA Poole provided Major [REDACTED] with a BCI "Criminal Investigation Notification" form. SA Poole advised BCI was conducting a criminal investigation separate from any internal investigation that GCSO may be conducting. Major [REDACTED] was told his interview was voluntary and he could stop answering questions at any time. Major [REDACTED] verbally confirmed he understood the contents of the form and signed the document further acknowledging his understanding. A copy of the signed Criminal Investigation Notification (CIN) is attached to this report.

Attorney Robert Stauter provided SA Poole with a written statement from Major [REDACTED] regarding the OICI. SA Poole reviewed the statement upon receipt. Major [REDACTED] signed his statement provided to BCI, and verified the statement was a true and accurate depiction of the OICI. Please refer to Major [REDACTED]'s statement for further details. A copy of the signed written statement was saved within the case file and is attached to this report.

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Major ██████ stated, “On June 24, 2022 at approximately 9:40 PM, I received a call from the GCSO Dispatch Center that a pursuit was coming from Belmont County and entering Guernsey County. I then received a call that Sheriff Paden was requesting that the SRT be activated and to respond to the corner of Wintergreen Road and Old National Road. I next learned that the driver of the vehicle, later identified as Joy Graham, was being non-compliant and brandished a firearm. I also learned that the pursuit had started because Ms. Graham was wanted on a felony warrant for an assault on a peace officer. I then activated the SRT through the Dispatch Center. Dispatch then called me at approximately 10:30 PM to confirm activation. Upon arriving at the scene, I was briefed on the situation by Sergeant ██████ and Sheriff Paden. I met with Deputy Gunnar Daymut, Sergeant ██████, Sergeant ██████ and Sheriff Paden, and devised a plan to safely extract Ms. Graham from her vehicle.”

“The plan was for Sheriff Paden to first distract Ms. Graham on the driver’s side of her vehicle from a rear 45 degree angle. Once distracted, Deputy Gunnar Daymut would lead with a ballistic shield and break the front passenger-side window. The next person would be Sergeant ██████ who would place a distraction device on the front passenger-side floorboard. Third would be Sergeant ██████ who would immediately taser the female. My specific job was to move off the right shoulder of Sergeant ██████ with lethal cover because it was known that Ms. Graham had a firearm.”

“Deputy Daymut successfully broke the front passenger-side window and moved to the rear of the vehicle. Sergeant ██████ successfully deployed the distraction device to passenger floorboard and moved to the rear of the vehicle. Sergeant ██████ was able to deploy the taser. It appeared the taser leads did not get enough distance between the two prongs to give full neuro-muscular override. This was because Sergeant ██████ was forced to deploy the taser from the passenger window, only giving approximately three (3) feet for the prongs to spread. At this point, I was standing directly in the front passenger-side window off the right shoulder of Sergeant ██████. I immediately noticed that full neuro-muscular override was not achieved and Ms. Graham was still able to move her arms.”

“I start yelling at Ms. Graham several times to drop the gun. She did not comply. She raised the firearm, pointed it at Sergeant ██████ and me, and began to actively fire her weapon. As I saw her raise her handgun and fire it, which created a flash from the barrel, I engaged Ms. Graham with one (1) round from my duty rifle, aiming at her center mass. I initially thought I fired three (3) rounds, but upon review of the body cam footage from the incident, it appears that I only fired one (1) round. When I fired this round, the backdrop was an upward sloping hill. The weather was clear and there was sufficient ambient lighting from the cruiser spot lights and from houses in the area.”

“At this point, something hit me in the chest and knocked me to the ground. As I was falling to the ground, I felt something hit me on the forehead on my helmet. I immediately got back to my feet, got a visual of Ms. Graham and noticed that she was wounded, but still had the handgun in her right hand. Sergeant ██████ was back in the front passenger-side door window with me and I was once again off his right shoulder. I gave more commands to Ms. Graham to drop the gun. Again, she did not comply. I then saw that she began to tense her hand around the handgun and bring the handgun back up in the direction of Sergeant ██████ and myself. At this point, I fired one (1) additional round, aiming at her head, in order to stop her

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from killing me or Sergeant [REDACTED] [REDACTED]”

SA Poole asked who finalized the plan of extracting Graham from the vehicle. Major [REDACTED] stated, he did.

SA Poole asked when Graham lifted her weapon, were you in fear of your life or any other’s lives. Major [REDACTED] stated, “Yes.”

SA Poole asked Major [REDACTED] if he thought there was any other options. Major [REDACTED] said, no they tried to use a nonlethal distraction device (flash grenade), they tried using a non-lethal taser, but they both were not enough and did not prevent her from using her gun against them.

SA Poole asked what type of firearm did he use during the incident. Major [REDACTED] stated he used is Colt M16A1 Duty Rifle with an OSS Suppressor, which is issued by the sheriff’s office.

SA Poole asked Major [REDACTED] if he believed his actions and the officer’s actions around him were within policy and procedure. Major [REDACTED] said, “Yes and yes.”

The interview concluded at 1241 hours.

**Attachments:**

Attachment # 01: Major [REDACTED] Interview 7.1.22

Attachment # 02: Statement Drawling Signed

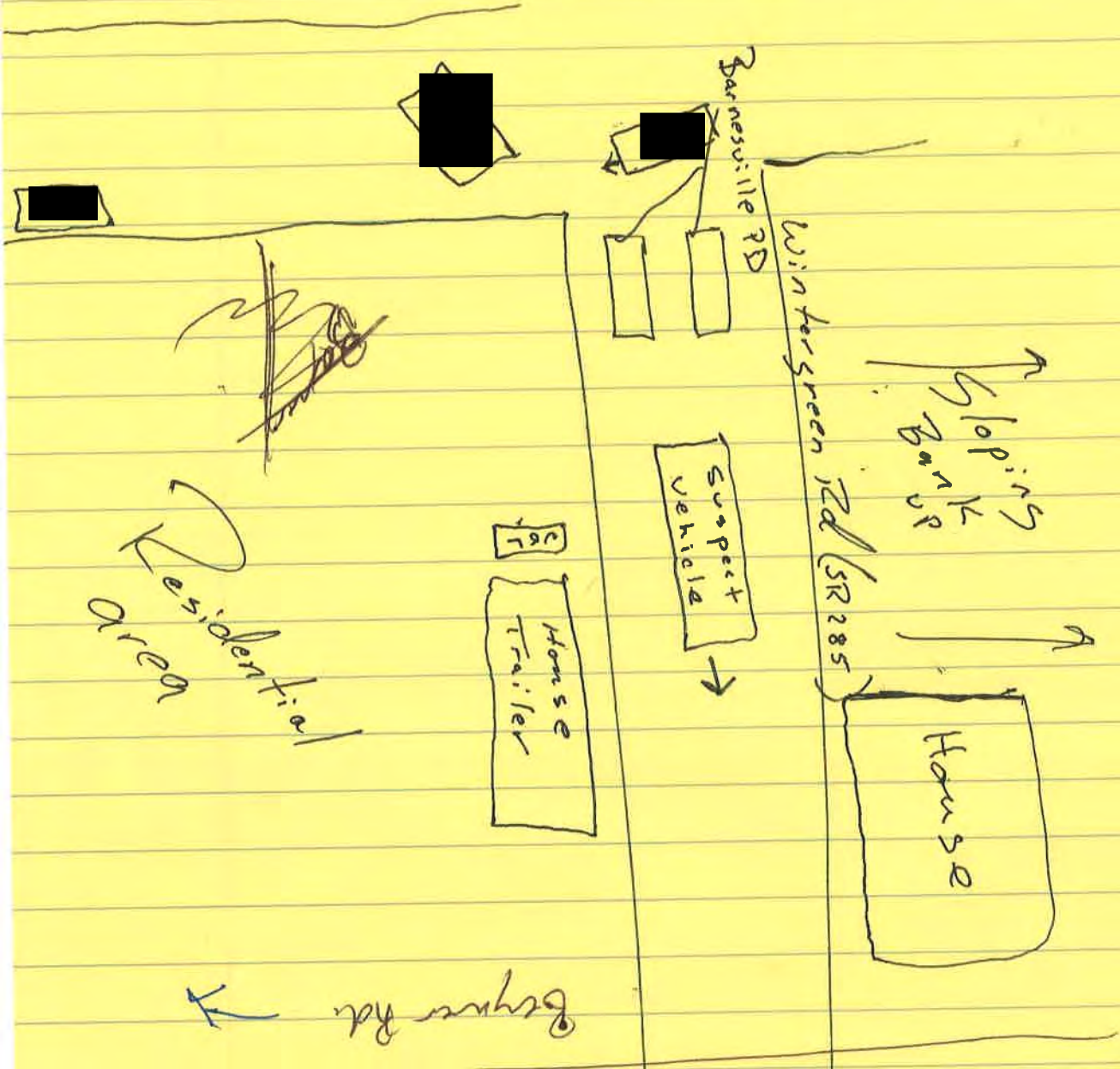
Attachment # 03: Major [REDACTED] Statement and CIN Signed



Passenger

Driver's Side





North  
West



**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]

7/1/2022 @ 1227  
Date / Time

[Redacted]

SA James Pocke  
BCI Agent (Printed)

SA [Signature]  
BCI Agent (Signature)

Statement of Major [REDACTED] Guernsey County Sheriff's Office,  
Regarding Incident of June 24, 2022

**Background**

I began full-time employment with the Guernsey County Sheriff's Office ("GCSO") as a Deputy Sheriff on October 7, 2013. I was promoted to Sergeant in 2015; Captain in 2017; and Major in 2019. I completed my basic peace officer training at Zane State College in March 2014.

I served in the United States military from October 1993 until October 2013. Throughout that time, I served in various active duty deployments in Iraq and Afghanistan. I was honorably discharged, holding the rank of Captain.

At the GCSO, I have served as the Special Response Team ("SRT") Commander since 2015.

I am a graduate of Cambridge High School, Cambridge, Ohio graduating in 1993. I attended Norwich University in Northfield, Vermont from 1998 until 2002, at which time I graduated with a bachelor's degree with a major in Criminal Justice and a minor in History. I have also completed courses to earn the "Master Criminal Investigation" qualification.

My current supervisor at the GCSO is Sheriff Jeffrey Paden. My regularly assigned work hours are from 8:00 AM until 4:00 PM, Monday through Friday. However, as a Command Officer, I work the hours necessary to complete my duties.

I do not wear prescription glasses, contacts or a hearing aid. I take no prescription medications that would impair my ability to perform my work. I was not under the influence of alcohol or any drug, prescription or otherwise, on the date of the incident.

I have received no discipline during my employment with the GCSO.

Prior to the incident on June 24, 2022, there was no instance when I had used lethal force in my current employment with the GCSO. There have been a few times during my employment with GCSO in which I used less than lethal force. All such uses of force were documented and I have never received any discipline relative to my use of less than lethal force.

I am familiar with the GCSO's use of force policy, as I am trained on the policy on a yearly-basis. I was trained on these policies in early 2022 by Lt. Kevin Stoney. I personally reviewed these policies in early 2022.

On the date of the incident, I was dressed in my agency-issued SRT uniform. On my duty belt, I carried the following items (clockwise): agency-issued Glock 17 Gen 5 handgun, drop pouch, one (1) AR-15 magazine, two (2) glock magazines. On my outer vest, I carried three (3) AR-15 magazines.

On the date of incident, June 24, 2022, the weapon I used was my Colt M16a1 Duty Rifle with oss suppression, which is issued by the Sheriff's Office. I last qualified for this weapon in January of 2022. I had one (1) sixty (60) round magazine in my Duty Rifle, with three (3) thirty (30) round magazines on my vest. Each of the magazines on my vest was only loaded with twenty-eight (28) rounds.

On Thursday, June 23, 2022, I participated in SRT training from 7:00 AM until 3:00 PM. Prior to being called in on Friday, June 24, 2022, I worked special detail from 8:00 AM until 4:30 PM. I was well-rested at the time of the incident on Friday, June 24, 2022, as I had slept approximately eight (8) to nine (9) hours Thursday night through Friday morning.

On June 24, 2022, I was not wearing a body camera as it is not required of Deputies responding as part of the SRT. I was not carrying any personal recording device. My cruiser,



Unit # [REDACTED] (Car Number [REDACTED]), did have in-dash video, but it was not recording during the incident. My call-in number is [REDACTED].

### Incident Narrative

On June 24, 2022 at approximately 9:40 PM, I received a call from the GCSO Dispatch Center that a pursuit was coming from Belmont County and entering Guernsey County. I retrieved my hand-held radio in order to listen and monitor the pursuit inside Guernsey County. Approximately 10 minutes later, I received a second call from the Dispatch Center with an update on the pursuit. I then received a call that Sheriff Paden was requesting that the SRT be activated and to respond to the corner of Wintergreen Road and Old National Road.

I next learned that the driver of the vehicle, later identified as Joy Graham, was being non-compliant and brandished a firearm. I also learned that the pursuit had started because Ms. Graham was wanted on a felony warrant for an assault on a peace officer. I then activated the SRT through the Dispatch Center. Dispatch then called me at approximately 10:30 PM to confirm activation.

Upon arriving at the scene, I was briefed on the situation by Sergeant [REDACTED] and Sheriff Paden. I met with Deputy Gunnar Daymut, Sergeant [REDACTED] Sergeant [REDACTED] [REDACTED] and Sheriff Paden, and devised a plan to safely extract Ms. Graham from her vehicle. The plan was for Sheriff Paden to first distract Ms. Graham on the driver's side of her vehicle from a rear 45 degree angle. Once distracted, Deputy Gunnar Daymut would lead with a ballistic shield and break the front passenger-side window. The next person would be Sergeant [REDACTED] [REDACTED] who would place a distraction device on the front passenger-side floorboard. Third would be Sergeant [REDACTED] who would immediately taser the female. My specific job

was to move off the right shoulder of Sergeant [REDACTED] with lethal cover because it was known that Ms. Graham had a firearm.

Deputy Daymut successfully broke the front passenger-side window and moved to the rear of the vehicle. Sergeant [REDACTED] successfully deployed the distraction device to passenger floorboard and moved to the rear of the vehicle. Sergeant [REDACTED] was able to deploy the taser. It appeared the taser leads did not get enough distance between the two prongs to give full neuro-muscular override. This was because Sergeant [REDACTED] was forced to deploy the taser from the passenger window, only giving approximately three (3) feet for the prongs to spread. At this point, I was standing directly in the front passenger-side window off the right shoulder of Sergeant [REDACTED]. I immediately noticed that full neuro-muscular override was not achieved and Ms. Graham was still able to move her arms.

I start yelling at Ms. Graham several times to drop the gun. She did not comply. She raised the firearm, pointed it at Sergeant [REDACTED] and me, and began to actively fire her weapon. As I saw her raise her handgun and fire it, which created a flash from the barrel, I engaged Ms. Graham with one (1) round from my duty rifle, aiming at her center mass. I initially thought I fired three (3) rounds, but upon review of the body cam footage from the incident, it appears that I only fired one (1) round. When I fired this round, the backdrop was an upward sloping hill. The weather was clear and there was sufficient ambient lighting from the cruiser spot lights and from houses in the area.

At this point, something hit me in the chest and knocked me to the ground. As I was falling to the ground, I felt something hit me on the forehead on my helmet. I immediately got back to my feet, got a visual of Ms. Graham and noticed that she was wounded, but still had the handgun in her right hand. Sergeant [REDACTED] was back in the front passenger-side door



window with me and I was once again off his right shoulder. I gave more commands to Ms. Graham to drop the gun. Again, she did not comply. I then saw that she began to tense her hand around the handgun and bring the handgun back up in the direction of Sergeant [REDACTED] and myself. At this point, I fired one (1) additional round, aiming at her head, in order to stop her from killing me or Sergeant [REDACTED]

Once Ms. Graham was no longer a threat to myself or Sergeant [REDACTED] I moved from the front passenger-side window. Tactical Medic Schubert then checked me to see if any of the rounds that she fired had made it past my vest and into my body. I also saw Ms. Graham receiving life-saving care. I was checked out and was not shot, so I then stowed my rifle and gear inside my patrol vehicle in the front passenger side. Once done stowing my gear, I told Detective Bill Patterson where I had stowed my rifle and gave him the key fob. I went to the command vehicle and waited to be dismissed from the scene.

Upon being dismissed from the scene, I was taken, along with Sergeant [REDACTED] to Southeastern Ohio Medical Center for a post incident urinalysis. Once that was completed, I reported to the GCSO in order to be photographed by an investigator from BCI. At the completion of the photos, I went home at approximately 2:30 AM, and my cruiser was dropped off at my residence at approximately 5:30 AM, on June 25, 2022 .

I used lethal force in this incident by discharging my firearm because I do not believe there was any less than lethal force that I could have used that would have been as effective in stopping the immediate threat which Ms. Graham, by pointing and firing her handgun at Sergeant [REDACTED] and myself, posed to us. My action in firing my rifle, as described above, was consistent with my training and experience as a law enforcement officer.

I did not have any prior law enforcement contact with Ms. Graham before this incident.

My statement is made from the best of my recollection as to the incident on June 24, 2022. On June 28, 2022, I viewed the body cam footage of Sergeant [REDACTED] and Deputy Gunnar Daymut. Other than the aforementioned notation, my viewing of these videos has not changed my recollection of the events, as expressed in this statement.

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

Respectfully Submitted,

[REDACTED]

Date 7/1/2022