



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: Trooper [REDACTED] (S)
Date of Activity: 08/30/2022
Author: SA Lauren Frazier, #129

Narrative:

On August 30, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agents (SA) Richard Ward, Kenneth Smith, and Lauren Frazier interviewed Trooper Lt. [REDACTED] (Lt. [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 Lt. [REDACTED] began at 1038 hours at the Ohio State Highway Patrol Special Response Team (SRT) Headquarters in Columbus, Ohio. Attorney Mary Martin was present for the interview.

Lt. [REDACTED] advised that he has been with the Ohio State Highway Patrol since 1999 (approximately 23 years), was promoted to Sergeant in 2011, and promoted to Lieutenant in 2017. Lt. [REDACTED] has been a part of SRT since 2004.

On the date of this incident, Lt. [REDACTED] stated that he heard via radio of an incident where an individual attempted to break in to the FBI office in Cincinnati. He was advised that troopers had located the vehicle, there was a traffic pursuit, and shots were fired at troopers.

Lt. [REDACTED] began towards the scene and received additional subject information. He advised that he went to a staging area to meet with SWAT units. During this time, the FBI suggested that the Ohio State Highway Patrol handle the arrest of the subject.

Lt. [REDACTED] advised that the FBI and Ohio State Highway Patrol both had armored vehicles and aviation assets on scene and that the FBI had a sniper that was positioned northwest of their general location.

After approximately 3 hours of negotiations by the FBI with the suspect, Lt. [REDACTED] stated that he heard the subject was not going to give up or put his rifle down. Lt. [REDACTED] stated that if

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the subject were to flee into the cornfield or woods, that it would be a major concern to the public. A tactical plan was discussed by Ohio State Highway Patrol command staff and the FBI tactical commander received approval from Washington to cease negotiations and try another plan by using verbal commands and less lethal options to gain compliance.

SRT Troopers began to approach the subject in an armored vehicle, and announcements were made over the loud speaker to give the subject an opportunity to give up. Lt. [REDACTED] stated there was no verbal response by the subject. Lt. [REDACTED] stated that he was positioned in the front crew compartment of the armored vehicle (under the turret), with a direct view of the subject.

Lt. [REDACTED] stated that the subject was holding a rifle and based on his experience, there was a high probability that the subject was engaging the safety. Lt. [REDACTED] stated that he announced and engaged the subject with one less lethal (40mm) foam round, which he believes struck the subject's right shoulder.

Lt. [REDACTED] advised that the subject sat up, pivoted, and attempted to run with the rifle still in his hands. At this time, the subject was engaged by other SRT Troopers with lethal force and Lt. [REDACTED] stated the subject fell face first onto the ground. Lt. [REDACTED] advised that approximately 2 seconds later, the subject was engaged by the FBI sniper with one round. Lt. [REDACTED] stated that he used the radio to tell the sniper to stand down prior to officers exiting the armored vehicle.

Lt. [REDACTED] described that they were concerned of possible explosives on the subject or in the subject's vehicle, based on information heard earlier. Another Trooper observed a propane tank in the subject's vehicle and officers aborted and waited for Dayton bomb squad to arrive and secure the scene.

Lt. [REDACTED] stated that he went to the OSP Wilmington Post to meet with BCI.

The interview between Lt. [REDACTED] and BCI concluded at 1102 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #1) and typed statement provided by Lt. [REDACTED] (attachment #2).

Attachments:

Attachment # 01: 2022-08-30 / Lt. [REDACTED] [REDACTED] Audio Interview

Attachment # 02: Lt. [REDACTED] [REDACTED] Written Statement

Exhibit 1

Included as a separate file.

Exhibit 2

STATEMENT OF [REDACTED] [REDACTED]
AUGUST 29, 2022

I am a Lieutenant with the Ohio State Highway Patrol. I have been employed as a law enforcement officer since 1999. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 1999.

I am currently assigned as a Lieutenant with the Special Response Team (SRT). The SRT is based in Columbus and has statewide responsibility.

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 2021. I have reviewed the policy more recently as part of my monthly "read and sign." I most recently completed my firearm qualifications in January 2022. I am also required to complete a proficiency standard monthly.

I have completed the OPOTA 40-hour basic SWAT course. I have also completed advanced SWAT school at the OSHP Academy.

On August 11, 2022, I was working the 0700 to 1500 shift. I was wearing my uniform and had reported to Columbus in an unmarked Patrol car. The car is equipped with lights and sirens. While on duty, I carry my Sig Sauer 320 RX 9mm pistol along with 3 magazines containing 17 rounds each. One magazine is contained in the firearm, the remaining 2 are carried on my vest. My firearm had 18 rounds (1 in the weapon and 17 in the magazine).

I also had with me my division issued Sig M400 .223 Rifle. This weapon is carried in the back seat of my vehicle. I had 3 magazines containing 28 rounds each. One magazine is contained in the firearm, the remaining magazines are carried in my vest.

A .40 mm single shot Defense Technology Less Lethal Launcher is stored the SRT equipment truck. I have been trained on the use of this less lethal weapon.

I was helping a stranded motorist when I heard a general call on the SRT frequency. I was advised that an individual had attempted to break into a FBI Office in Cincinnati. I was also informed that the individual was being pursued by OSHP units. I was subsequently informed that the suspect had fired shots at the OSHP units.

I dropped off the stranded motorists at a safe location and proceeded south on I-71.

While on route, I was informed that the suspect had left his vehicle and was barricaded behind his car. I was also informed that air support was expected. I was provided with a description of the subject, including his name and picture. I was told that the suspect was armed with a rifle.

I arrived near the I-71 and SR 73 interchange at 11:15. I first went to a staging area and then drove close to the scene and then walked closer. I met with other tactical team members from Clinton County, Warren County, Wilmington, and the FBI.

I am aware that an FBI negotiator made contact with the suspect. The negotiators communicated with the suspect for a several hours. I also received information from the FBI that the suspect had threatened the use of explosives on social media.

We deployed a robot near the vehicle to deploy stop sticks. The robot could hear the suspect talking. The suspect appeared to be adamant that he was not going to surrender. I was concerned that he may have associates in the area who might come to his assistance.

In consultation with the FBI and OSHP leadership, I decided to approach the suspect with three armored vehicles and the helicopter in an effort to force the suspect to surrender. We discussed the possible use of less-lethal options if the suspect did not shoot right away or did not appear to be triggering an explosive device.

We approached the suspect. I was in a firing port in Warren County's armored vehicle. Another officer provided verbal commands over the PA. The suspect was ordered to put down the rifle and place his hands in the air. The suspect did not comply. I observed the suspect stand up on his knees with the rifle in his hands. He appeared to be switching the safety on the weapon off. We continued to give verbal commands but the suspect did not comply.

I decided to use less-lethal force. The suspect was struck with a 40mm "sponge round" in the right shoulder. We continued to give verbal commands but the suspect did not comply. I observed the suspect stand up and, based on my training and experience, I believed that he was preparing to fire on the law enforcement officers. He started to attempt to run into the wood line.

I believed that I, other officers, and members of the community were 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 we could safely withdraw from the location and adequately protect ourselves or other possibly innocent persons in the area. SRT Officers fired at the suspect. The FBI sniper also fired on the suspect. The use of deadly force in this situation was consistent with my training and experience as SRT officer.

The suspect went face down. He eventually rolled onto his back with the rifle over his chest. I switched to my rifle and maintained cover while other officers approached the suspect to attempt to place him in custody. Officers who approached the car and observed what they believed to be wiring and a propane tank. Other officers observed that appeared to be a flashing light on the suspect. We feared that the vehicle contained an explosive device so we pulled back to safe distance.

We contacted Dayton PD's bomb squad (who were at the staging location) to clear the vehicle and the suspect. Dayton PD cleared the vehicle and suspect. The FBI took control of the scene.

I eventually received orders to pull back from my position. I was told by BCI that the less lethal weapon was not needed as evidence. The rifles used to fire on the suspect by other SRT members were collected. I reported to the Wilmington Post for a debriefing. 18 rounds (1 in the weapon and 17 in the magazine).

I also had with me my division issued Sig M400 .223 Rifle. This weapon is carried in the back of the patrol car. I had 3 magazines containing 20 rounds each. I had 1 round in the firearm, the remaining 59 rounds were in my vest.

A 40 mm single shot Defense Pac Launcher is stored in the SRT equipment truck. I have been trained on the use of this less lethal weapon.

8-29-2022