



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



2022-1527

Officer Involved Critical Incident – 5760 US 62, Hillsboro, OH,
Highland County (L)

Investigative Activity: Interview with Officer
Involves: Richard Jean Poulin (S)
Date of Activity: 07/26/2022
Activity Location: Engel & Martin, LLC – 4600 Duke Drive, Suite 101, Mason, OH
45040, Warren County
Author: SA Steven Seitzman

Narrative:

On July 17, 2022, the Ohio Bureau of Criminal Investigation (BCI) was requested by Highland County Sheriff Donald Barrera to investigate an Officer-Involved Critical Incident (OICI) that occurred on US 62 near the Hillsboro Church of God (5760 US 62, Hillsboro, Ohio). The OICI entailed Highland County Sheriff's Office Sergeant [REDACTED] firing a single, fatal shot at Richard Jean Poulin (Poulin) at the end of a vehicle pursuit.

On July 26, 2022, at 1210 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents Steven Seitzman (SA Seitzman) and Richard Ward (SA Ward) interviewed Highland County Sheriff's Office (HCSO) Sergeant [REDACTED] (Sgt. [REDACTED]) regarding his involvement in the Officer-Involved Critical Incident on July 17, 2022. The interview took place at Engel & Martin, LLC (4660 Duke Dr., Suite 101, Mason, OH). Sgt. [REDACTED]'s Fraternal Order of Police attorneys, Joshua Engel (Mr. Engel) and Mary Martin, were present. The interview was recorded on a handheld digital recording device.

The details below summarize the pertinent portions of the recorded interview and are not a verbatim account. 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 audio recording be reviewed to clarify the content of the interview.

While the terms "suspect" or "subject" may have been used by Sgt. [REDACTED] during the interview to identify Poulin, for clarity, knowing that Poulin had been identified earlier in the investigation, his name will be utilized in this report.

SA Seitzman read the BCI Notice of Criminal Investigation form to Sgt. [REDACTED]. He said he understood the content of the form and signed it. The signed form will be added to the

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permanent case file.

SA Seitzman received Sgt. ██████'s written statement from Mr. Engel on July 22, 2022. Sgt. ██████ confirmed he had authored the written statement. He signed it during the interview. He advised that he had a chance to consult with his attorney and wished to make a voluntary statement to BCI agents.

Sgt. ██████ advised that he began his law enforcement career with HCSO in 1997 as a special deputy. He attended and graduated from the police academy in 1998, at which time he became a full-time deputy with HCSO. He was assigned to the road patrol unit in 2002. He resigned in 2010 and went on to work for the villages of Highland, Lynchburg, and Greenfield. He returned to HCSO in 2015 and has remained there since. He was promoted to the rank of sergeant in July 2021.

Sgt. ██████ is currently assigned to road patrol as a sergeant. His unit number and radio call sign are "██████████". He said he commonly said "██████" over the radio to refer to himself. His normal shift is from 1800–0600 hours.

Sgt. ██████ advised that he did not take any prescriptions that would have impaired his duties. He also said he had not consumed alcohol within twenty-four hours of his shift on July 16, 2022. He advised that he had not been involved in any prior incidents where he fired his weapon. He also said he has not received any discipline related to the use of force or dishonesty.

Sgt. ██████ stated that he was wearing his department-issued uniform for his midnight shift on July 16, 2022. He said his uniform consisted of a standard Ohio deputy uniform. He was wearing a short-sleeve shirt with deputy patches on the shoulder sleeves. His shirt also had a badge, "Deputy" pins on the collar, award ribbons, and a sergeant insignia on the epaulette. He was wearing gray pants. He wore his ballistic vest underneath his shirt. He said he was wearing a duty belt, which consisted of a Sig Sauer P320, an ASP collapsible baton, pepper spray, and a Taser. He said he did not have access to any other less-lethal weapons, such as a 40mm or Pepperball gun. Furthermore, he said HCSO does not have cruiser cameras or use body-worn cameras.

Sgt. ██████ said that the Sig Sauer P320 he was carrying was his department-issued firearm. He said he kept a magazine in the well and a round in the chamber of the firearm. He said he had two additional magazines on his duty belt. He believed all of his magazines were topped to capacity; however, he qualified that by stating that he regularly provides his rounds to other deputies in the event the deputies expend rounds during deer euthanasia. He also said that he had a department-issued weapon-mounted light on the gun. He said he thought the weapon-mounted light was a Streamlight, which had an "up and down toggle switch" on each side of the light.

Sgt. ██████ said he has carried the Sig Sauer P320 for at least a year and a half. He said he received at least two hours of training when the department switched to the Sig Sauer P320, which included training with the department-issued Safariland holster. When asked if he was up-to-date on his firearm qualifications, he said, "I qualify when I'm told to qualify." He said he believed he qualified within the past twelve months.

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Sgt. ██████ told BCI agents that he had had specialty firearms training, specifically, precision rifle training. Sgt. ██████ said that he received yearly training regarding HCSO use of force. He said he is generally familiar with HCSO's Use of Force Policies and Procedures.

Sgt. ██████ said that he was working an overtime shift on July 16, 2022, and had also worked an overtime shift on July 15, 2022. He said he felt well rested going into his shift on July 16, 2022.

Sgt. ██████ advised that HCSO Deputy Sarah McKenzie (Deputy McKenzie) removed his firearm from the holster to secure it after the OICI. He did not see what Deputy McKenzie did with the firearm after she took it. He said that he was photographed by a BCI agent at HCSO.

Sgt. ██████ advised he noticed a small cut on his left thumb, but he was otherwise uninjured. [Agent's note: Mr. Engel emailed SA Seitzman two photographs of the cut on Sgt. ██████ thumb to be included in the case file. They are attached below].

Sgt. ██████ read his written statement to BCI agents. He then allowed the BCI agents to ask follow-up questions.

SA Seitzman asked Sgt. ██████ about the line in his statement that read, "Based on the circumstances, I believed that the use of force was necessary to effectuate a lawful arrest of the driver." SA Seitzman asked what level of force Sgt. ██████ felt was appropriate to effectuate the arrest. Sgt. ██████ clarified that he meant it was acceptable for him to have his firearm out due to an "unknown threat."

SA Seitzman asked Sgt. ██████ about the line in his statement that read, "I based this conclusion on the severity of the crime the driver was committing and my belief that the driver posed an immediate threat to the safety of other officers and the community." SA Seitzman asked what specific crimes Sgt. ██████ was referring to. Sgt. ██████ said he was referring to Poulin "running the stop sign." He spoke about the crimes relative to the pursuit, such as traveling over the speed limit, traveling into oncoming lanes, and the degree of danger to the other traffic on US 62.

SA Seitzman asked Sgt. ██████ whether Poulin was resisting arrest by evasion or physical resistance. Sgt. ██████ said, "Both. He was just not complying. He was just resisting arrest." Mr. Engel had Sgt. ██████ clarify that he was uncertain why Poulin fled. Sgt. ██████ said Poulin's flight heightened his awareness and sense of safety for himself and his fellow officers. He said he was further concerned after Poulin's vehicle stopped and Poulin rolled up his window, blared his music, and failed to comply with his commands.

SA Seitzman asked what Sgt. ██████ observed after he approached Poulin's truck. He said he shattered the passenger window and saw "Poulin reaching." SA Seitzman asked if it appeared Poulin was reaching for something, to which he replied he did not know.

SA Seitzman asked if Sgt. ██████ transitioned his firearm from his right hand to his left hand. He confirmed that he did. He advised that he unholstered his firearm from the holster, which was on the right side of his hip. Once he made the determination that he was going to approach the vehicle, he grabbed his ASP collapsible baton from the left side of his duty belt, just behind

the left hip. At some point, he switched, so that his gun was in his left hand and the ASP collapsible baton was in his right hand.

SA Seitzman asked Sgt. [REDACTED] what happened when he struck the driver's window with his ASP collapsible baton. He said, "The first strike seemed to go right through. Almost like cutting it in half." He said he struck it again and it shattered, and simultaneously, his "gun discharged." SA Seitzman asked him if it was possible that the gun went off prior to striking the glass, to which he said he could not speculate. SA Seitzman asked where he was pointing his gun. He said he was not necessarily pointing it at anything, but he said he "kept his gun at the ready" toward the window. He said he went into shock after his gun discharged.

SA Seitzman asked Sgt. [REDACTED] if he knew how his gun discharged. He said he did not know. SA Ward asked if he knew whether his finger was on the trigger. He said he was not certain. SA Ward asked if the gun ever came into contact with the window. He said he was not certain. SA Ward asked him if he dropped his gun at any point during the incident, to which he answered in the negative. SA Ward asked him if he intended to shoot Poulin. He began to cry and said, "absolutely not." He said he did not see anything, such as a threat, that would have caused him to discharge his weapon.

SA Ward asked Sgt. [REDACTED] if he ever pulled his weapon out of the holster in the field, other than training. He said that he had on at least one occasion and did so without incident. SA Ward asked him if he took his weapon out of the holster to secure it after each shift. He answered that he secured his weapon in a safe after each shift by taking it out of the holster, and he had successfully secured it each time without incident. SA Seitzman asked him if he had experienced any incidents while training with the weapon, to which he answered in the negative. SA Seitzman asked if his firearm discharged appropriately when commanded to do so, to which he answered in the affirmative. SA Seitzman asked him if the firearm ever discharged when his finger was not on the trigger, to which he answered in the negative.

SA Ward asked Sgt. [REDACTED] what gun he carried prior to the Sig Sauer P320. He said he carried the Sig Sauer P226, which had a heavier trigger pull. He also said the Sig Sauer P226 was a "double-single action," while the Sig Sauer P320 is a striker fired weapon "without a safety."

SA Seitzman presented Sgt. [REDACTED] with a Google satellite image of the scene. He was uncertain exactly where the OICI occurred, so he did not mark the image. The shown image is attached below. SA Seitzman also presented Sgt. [REDACTED] with a rendering of a Ford F-250 pick-up truck. He marked where certain parts of the incident occurred to the best of his recollection. The photograph was signed by Sgt. [REDACTED]

The interview was concluded at 1308 hours. The audio recording is attached below. Also attached is the following: BCI Notice of Criminal Investigation, signed written statement of Sgt. [REDACTED] Ford F-250 rendering, and the Google satellite image shown to Sgt. [REDACTED]

Attachments:

- Attachment # 01: 2022-07-26 / Interview of Sergeant [REDACTED]
- Attachment # 02: Criminal Investigation Notification
- Attachment # 03: Signed Diagram of Ford F250

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Attachment # 04: Google Image of Scene Shown to Sergeant [REDACTED]
Attachment # 05: Photograph #1 of injury on Sgt. [REDACTED]'s left thumb
Attachment # 06: Photograph #2 of injury on Sgt. [REDACTED]'s thumb

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Exhibit 1

Included as a separate file.

Exhibit 2



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]
Printed Name of Interviewee

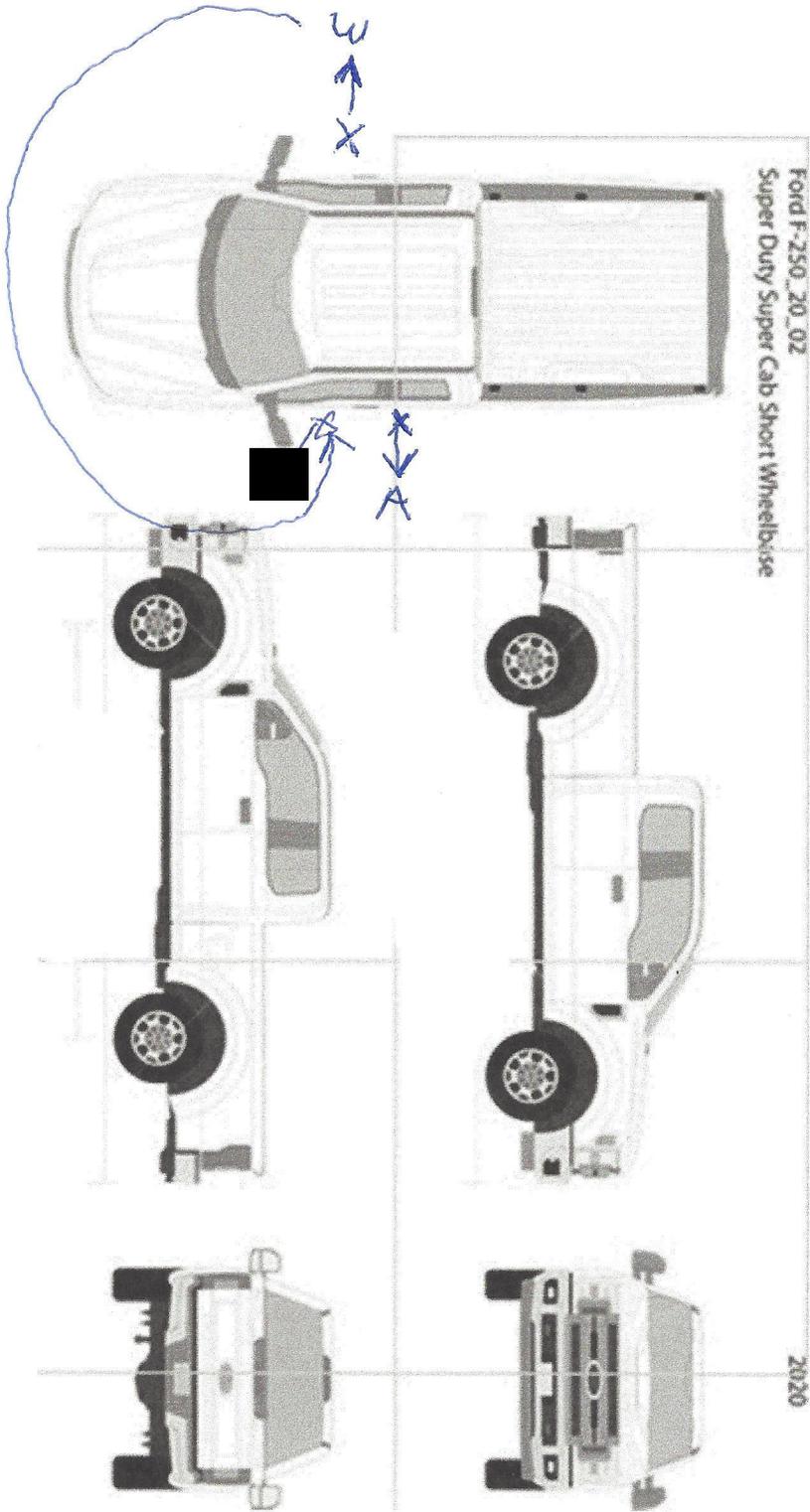
7-26-22 12:13p
Date / Time

[Redacted]

STEVEN SEITZMAN
BCI Agent (Printed)

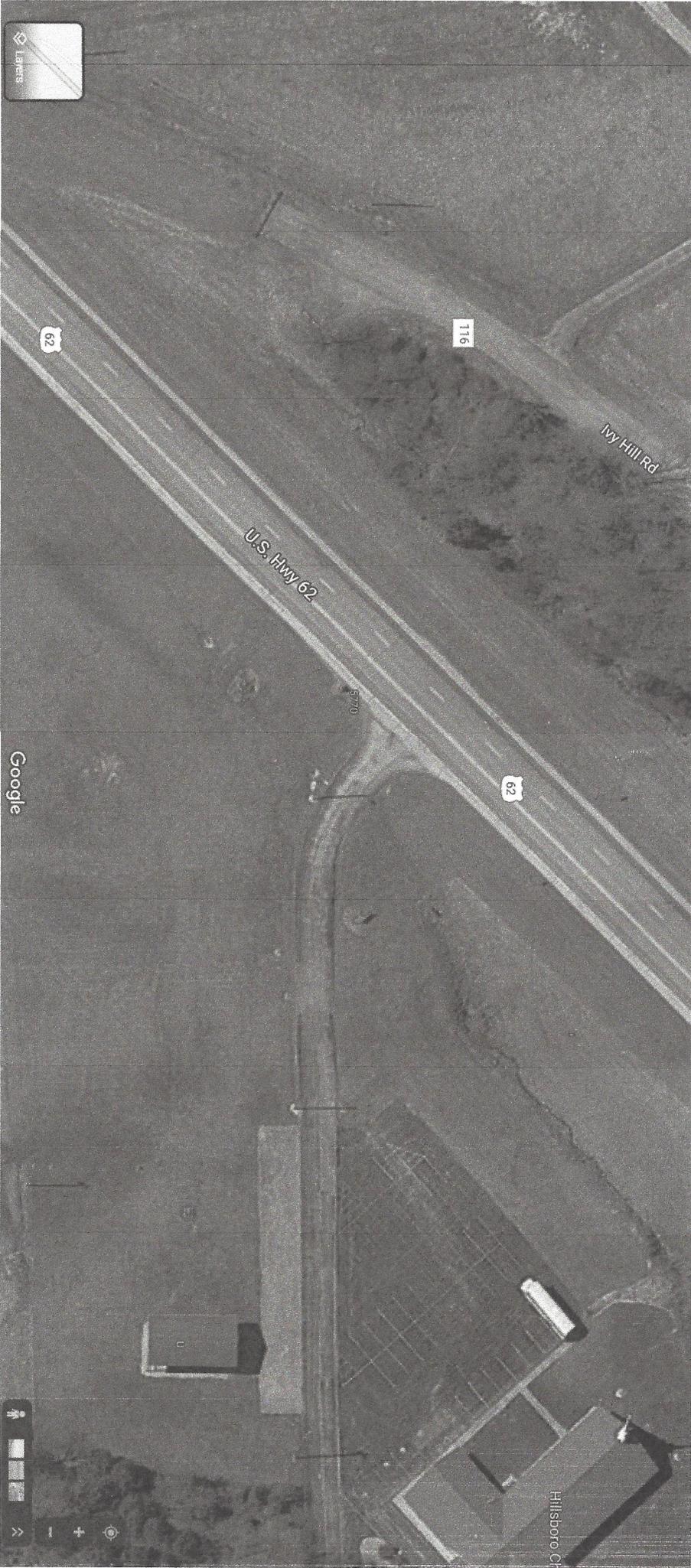
[Signature]
BCI Agent (Signature)

Exhibit 3



2-28-22

Exhibit 4



Layers

Google

Navigation icons: location pin, zoom in (+), zoom out (-), compass

62

116

62

U.S. Hwy 62

Ivy Hill Rd

Hillsboro, Ct

5770

Exhibit 5



Exhibit 6

