



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: Sergeant [REDACTED]
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 1113 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents James Poole (SA Poole) and Jim Mulford (SA Mulford) interviewed Guernsey County Sergeant [REDACTED] (Sergeant [REDACTED]). The interview took place at the Guernsey County Sheriff's office at 601 Southgate Pkwy., Cambridge, Ohio. Sergeant [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 Sergeant [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. Sergeant [REDACTED] was told his interview was voluntary and he could stop answering questions at any time. Sergeant [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 Sergeant [REDACTED] regarding the OICI. SA Poole reviewed the statement upon receipt. Sergeant [REDACTED] signed his statement provided to BCI, and verified the statement was a true and accurate depiction of the OICI. Please refer to Sergeant [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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Sergeant ██████ stated, "On Friday, June 24, 2022, at approximately 10:30 PM, I received a call from the GCSO's Dispatch advising that there was an SRT call out. Dispatch advised that Ms. Graham had a firearm. A Cambridge police officer reported that when he and his K9 approached Ms. Graham's vehicle, he saw her holding a firearm. Dispatch advised that Ms. Graham was refusing commands to get out of her vehicle."

"I arrived on scene at approximately 11:00 PM and observed several marked cruisers from multiple agencies parked on Old National Road. It was a warm and clear night. I observed a dark-colored Honda Odyssey minivan facing north on Wintergreen Road near the intersection of Old National Road. I noticed that the front tires of the minivan were flat. I also observed two (2) Barnesville Police Department cruisers parked to the rear of the minivan. I then met with Sheriff Paden, Major ██████ Sergeant ██████ Deputy Daymut and other officers who were on the scene. Major ██████ briefed me on the situation and the tactical plan."

"The tactical plan consisted of Sheriff Paden first creating a distraction by approaching the driver's side of Ms. Graham's vehicle at a 45-degree angle and yelling Ms. Graham's name in the hope that she would look in his direction. SRT members would then approach the passenger-side of Ms. Graham's vehicle, at which point Deputy Daymut would break out the front passenger-side window. Sergeant ██████ would next deploy a distraction device, i.e., a flash bang, into the front passenger cabin area of Ms. Graham's vehicle. I was then to deploy a less-lethal device—my taser—to incapacitate Ms. Graham so that other officers could gain control of her firearm, extract her from her vehicle, and take her into custody without any serious injury."

"Major ██████ advised that he would be on my right providing cover while Sergeant ██████ would transition to the driver's side of Ms. Graham's vehicle to provide cover for Sheriff Paden and gain a secondary point of view of Ms. Graham. SRT Tactical Emergency Medical Support ("TEMS") personnel would be in close proximity to provide medical attention if necessary. In addition, Old Washington Volunteer Fire personnel were standing by if needed."

"I checked my equipment to ensure the radio and flashlight were functioning properly. I then chambered a round into my rifle to ensure that a round was chambered correctly. Sergeant ██████ gave me his taser to use. I detached the cartridge from the front of the taser to begin a function check. I checked the operational level of the taser by turning it on. I observed a clear light along with a red dot emission from the front of the taser. I then pulled the trigger on the taser to conduct a spark test. I saw and heard a spark, which meant the taser was in good working condition. I then seated the cartridge into the taser. After I completed my equipment check, I was advised that we were moving forward with the plan of action."

"We began to tactically move forward in a stacked fashion with Deputy Daymut leading, while utilizing a GCSO SRT-issued shield to provide additional cover support. Sergeant ██████ was second in the stack, followed by me, and then Major ██████ We moved towards Ms. Graham's vehicle utilizing a vehicle adjacent to hers as cover. We approached Ms. Graham's vehicle from the passenger side. I heard Sheriff Paden yelling to Ms. Graham and I could see her head turn towards him, as he was on the driver's side of her vehicle."

"Deputy Daymut then struck the front passenger-side window of her vehicle twice with an extendable baton, which broke out the window. I then saw Ms. Graham turn to the passenger

side of her vehicle as I heard the pin of the flash bang pulled and saw Sergeant [REDACTED] [REDACTED] toss the flash bang through the broken window into the passenger-side cabin area of the vehicle. I turned my head away to shield my eyes from the flash. After I heard the flash bang go off, I tactically approached the front passenger-side window and utilized the pillar that holds the front-passenger seatbelt ("B pillar") as cover. I then pointed the taser at Ms. Graham, saw the red dot aimed at her lower right torso area, and deployed the taser. I saw Ms. Graham was holding a black handgun in her right hand with her index finger on the trigger. I started giving loud, repetitive commands to Ms. Graham to drop the gun."

"I then saw Ms. Graham begin to start pointing the handgun over her left shoulder towards Sergeant [REDACTED] [REDACTED] and Sheriff Paden. I then heard an exchange of gun shots, consisting of approximately four (4) rounds. I took cover by going low and behind the passenger-side B pillar of Ms. Graham's vehicle. I regained my position at the front passenger-side window of Ms. Graham's vehicle. I initially thought that I was holding my taser at this time, but upon review of body camera footage of the incident, I realize I dropped my taser and changed over to my back-up weapon, my rifle."

"I then re-observed Ms. Graham and saw that she was still holding her handgun in her right hand with her index finger on the trigger and the barrel of the handgun pointed up towards the roof of her vehicle. The prior deployment of the taser seemed to have had little, to no effect, on Ms. Graham. I next loudly announced to other officers that Ms. Graham's finger was still on the trigger. At this time, I felt light body contact on my right side and observed Major [REDACTED] pointing his rifle at Ms. Graham. I then watched as Ms. Graham began to point the barrel of her handgun, still in her right hand with her index finger on the trigger, towards the front passenger-side window where Major [REDACTED] and I were standing. Next, I heard a gunshot that appeared to originate from Major [REDACTED]'s rifle. I saw Ms. Graham's head shift towards her left shoulder and did not see any other movement from her."

SA Poole asked if Sergeant [REDACTED] was ever in fear of his life. Sergeant [REDACTED] stated, "Yes, when I first saw the flash come from her gun and heard the gun shot."

SA Poole asked if he believed Graham was going to shoot him or any of the other officers. Sergeant [REDACTED] said, "Yes and yes."

SA Poole asked if Sergeant [REDACTED] shot his weapon at any point during the incident and why not. Sergeant [REDACTED] said, "No," but didn't have a reason why not.

SA Poole asked Sergeant [REDACTED] if he believed his actions and the officer's actions around him were within policy and procedure. Sergeant [REDACTED] said, "Yes and yes."

The interview concluded at 1141 hours.

Attachments:

Attachment # 01: Sergeant [REDACTED] [REDACTED] 7.1.22

Attachment # 02: Statement Drawing Signed

Attachment # 03: Sergeant [REDACTED] [REDACTED] statement and CIN Signed

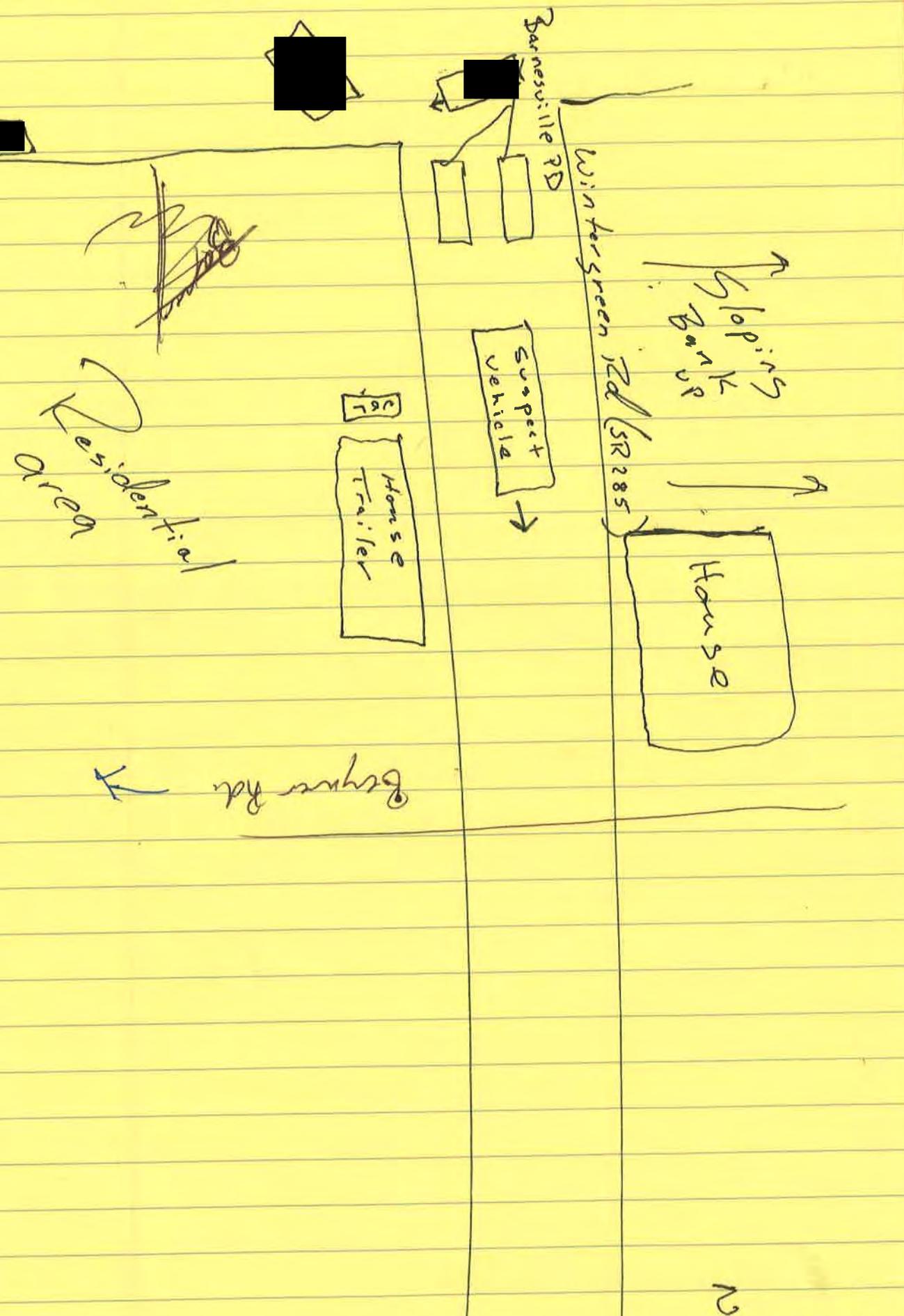
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Passenger

Driver's side







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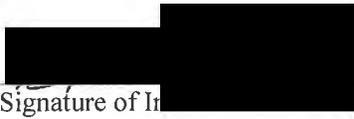


Criminal Investigation Notification

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).

Printed Name 

7-7-22 / 11:15 pm
Date / Time

Signature of Interviewee 

SA James Perle
BCI Agent (Printed)

SA [Signature]
BCI Agent (Signature)

Statement of Sergeant [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 December 2, 2019. I was promoted to Sergeant on May 8, 2022 and currently serve as a Detective Sergeant. I completed basic peace officer training at the Eastern Ohio Law Enforcement Training Center in January 2005. Prior to joining the GCSO, I served as a Deputy Sheriff with the Belmont County Sheriff's Office from July 2005 until July 2006; a police officer with Appalachian Behavioral Healthcare from July 2006 until July 2008; a police officer with Heartland Behavioral Healthcare from July 2010 until January 2011; a police officer with Barnesville Police Department from January 2011 until July 2011; and most recently, as a Deputy Sheriff for the Belmont County Sheriff's Office ("BCSO") from July 2011 until November 2019.

At the GCSO, I serve as part of the Special Response Team ("SRT"). I have also served as a Less Lethal Impact Instructor. Prior to my time at the GCSO, I served as a K9 handler from 2015 until 2019 at the BCSO.

I am a graduate of Buckeye Trail High School, Lore City, Ohio graduating in 2003. Since that time, I have taken classes at Eastern Gateway Community College.

My current supervisor at the GCSO is Lt. Sam Williams. My regularly assigned work hours are from 8:00 AM until 4:00 PM. I am off Saturday and Sunday; I work Monday through Friday.

I do not wear prescription glasses, contacts or a hearing aid. I take no prescriptions 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.

There has been no instance in which I have used lethal force. There were a few times during my employment with the BCSO 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 my supervisor, Lt. Sam Williams. I personally reviewed these policies within the last two months.

I carry a Glock 17 as my primary duty weapon. The pistol is issued to me by the Sheriff's Office. I last qualified for the weapon in January of 2022. I carry two (2) magazines, each with seventeen (17) rounds of ammunition. As a back-up weapon, I carry a Colt M16a1 rifle which is also issued by the GCSO. I qualified for this weapon in January 2022 as well. At the time of the incident, I also carried my GCSO-issued Taser X26P. I qualified for this weapon in the last year.

used Sgt. [redacted] Taser x26P. BC. 7-1-22 [redacted]

On the date of the incident, I wore my SRT uniform, which is approved by the Sheriff's Office and consists of OD green pants, a long sleeve shirt with GCSO patches, duty boots, and a SRT plate carrier/bullet-proof vest with GCSO patches. On my duty belt, I carried the following items (clockwise): Glock 17, tourniquet, handcuffs, and two (2) Glock 17 magazines. On my outer vest, from left to right, I carried two (2) rifle magazines and my radio.

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

I was not wearing a body camera as it is not required of Deputies responding as part of the SRT. I drove to the incident scene in a 2010 black Dodge Avenger, which is an undercover vehicle issued by the GCSO. That vehicle is not equipped with in-dash audio or video recording. I was not carrying any personal recording device.

Incident Narrative

On Friday, June 24, 2022, at approximately 10:30 PM, I received a call from the GCSO's Dispatch advising that there was an SRT call out. I inquired about the details of the call out and was informed that Barnesville PD had initiated a vehicle pursuit with a female, later identified as Joy Graham, who had a felony warrant out for her arrest. The pursuit went from Barnesville into Harrison County, then to Guernsey County on State Route 22, then to Beeham Run Road and ultimately came to an end in Old Washington on State Route 285, otherwise known as Wintergreen Road.

Dispatch advised that Ms. Graham had a firearm. A Cambridge police officer reported that when he and his K9 approached Ms. Graham's vehicle, he saw her holding a firearm.

Dispatch advised that Ms. Graham was refusing commands to get out of her vehicle.

I arrived on scene at approximately 11:00 PM and observed several marked cruisers from multiple agencies parked on Old National Road. It was a warm and clear night. I observed a dark-colored Honda Odyssey minivan facing north on Wintergreen Road near the intersection of

Old National Road. I noticed that the front tires of the minivan were flat. I also observed two (2) Barnesville Police Department cruisers parked to the rear of the minivan. I then met with Sheriff Paden, Major [REDACTED] Sergeant [REDACTED], Deputy Daymut and other officers who were on the scene. Major Wilkinson briefed me on the situation and the tactical plan.

The tactical plan consisted of Sheriff Paden first creating a distraction by approaching the driver's side of Ms. Graham's vehicle at a 45-degree angle and yelling Ms. Graham's name in the hope that she would look in his direction. SRT members would then approach the passenger-side of Ms. Graham's vehicle, at which point Deputy Daymut would break out the front passenger-side window. Sergeant [REDACTED] would next deploy a distraction device, i.e., a flash bang, into the front passenger cabin area of Ms. Graham's vehicle. I was then to deploy a less-lethal device—my taser—to incapacitate Ms. Graham so that other officers could gain control of her firearm, extract her from her vehicle, and take her into custody without any serious injury.

Major [REDACTED] advised that he would be on my right providing cover while Sergeant [REDACTED] would transition to the driver's side of Ms. Graham's vehicle to provide cover for Sheriff Paden and gain a secondary point of view of Ms. Graham. SRT Tactical Emergency Medical Support ("TEMS") personnel would be in close proximity to provide medical attention if necessary. In addition, Old Washington Volunteer Fire personnel were standing by if needed.

I checked my equipment to ensure the radio and flashlight were functioning properly. I then chambered a round into my rifle to ensure that a round was chambered correctly. Sergeant [REDACTED] gave me his taser to use. I detached the cartridge from the front of the taser to begin a function check. I checked the operational level of the taser by turning it on. I observed a clear light along with a red dot emission from the front of the taser. I then pulled the trigger on

the taser to conduct a spark test. I saw and heard a spark, which meant the taser was in good working condition. I then seated the cartridge into the taser. After I completed my equipment check, I was advised that we were moving forward with the plan of action.

We began to tactically move forward in a stacked fashion with Deputy Daymut leading, while utilizing a GCSO SRT-issued shield to provide additional cover support. Sergeant [REDACTED] was second in the stack, followed by me, and then Major [REDACTED]. We moved towards Ms. Graham's vehicle utilizing a vehicle adjacent to hers as cover. We approached Ms. Graham's vehicle from the passenger side. I heard Sheriff Paden yelling to Ms. Graham and I could see her head turn towards him, as he was on the driver's side of her vehicle.

Deputy Daymut then struck the front passenger-side window of her vehicle twice with an extendable baton, which broke out the window. I then saw Ms. Graham turn to the passenger side of her vehicle as I heard the pin of the flash bang pulled and saw Sergeant [REDACTED] toss the flash bang through the broken window into the passenger-side cabin area of the vehicle. I turned my head away to shield my eyes from the flash. After I heard the flash bang go off, I tactically approached the front passenger-side window and utilized the pillar that holds the front-passenger seatbelt ("B pillar") as cover. I then pointed the taser at Ms. Graham, saw the red dot aimed at her lower right torso area, and deployed the taser. I saw Ms. Graham was holding a black handgun in her right hand with her index finger on the trigger. I started giving loud, repetitive commands to Ms. Graham to drop the gun.

I then saw Ms. Graham begin to start pointing the handgun over her left shoulder towards Sergeant [REDACTED] and Sheriff Paden. I then heard an exchange of gun shots, consisting of approximately four (4) rounds. I took cover by going low and behind the passenger-side B pillar of Ms. Graham's vehicle. I regained my position at the front passenger-side window of Ms.

Graham's vehicle. I initially thought that I was holding my taser at this time, but upon review of body camera footage of the incident, I realize I dropped my taser and changed over to my back-up weapon, my rifle.

I then re-observed Ms. Graham and saw that she was still holding her handgun in her right hand with her index finger on the trigger and the barrel of the handgun pointed up towards the roof of her vehicle. The prior deployment of the taser seemed to have had little, to no effect, on Ms. Graham. I next loudly announced to other officers that Ms. Graham's finger was still on the trigger. At this time, I felt light body contact on my right side and observed Major Wilkinson pointing his rifle at Ms. Graham. I then watched as Ms. Graham began to point the barrel of her handgun, still in her right hand with her index finger on the trigger, towards the front passenger-side window where Major [REDACTED] and I were standing.

Next, I heard a gunshot that appeared to originate from Major [REDACTED]'s rifle. I saw Ms. Graham's head shift towards her left shoulder and did not see any other movement from her. I turned my head towards Major [REDACTED] and he told me that something had hit him in the chest and head that had knocked him down. I quickly scanned Major [REDACTED] for immediate physical injuries and saw none. I then saw SRT TEMS personnel approach Major [REDACTED]. I shifted my attention back towards Ms. Graham. I observed that she was still holding the handgun in her right hand, with her index finger on the trigger. Again, I announced my observations to the other officers.

I heard Deputies trying to open the driver's side door and I was asked to unlock the doors. I found the unlock button on the interior of the front passenger-side door and hit the button that unlocked the doors. I then proceeded to the rear of Ms. Graham's vehicle and observed Deputy Daymut pull Ms. Graham out of her vehicle by opening the driver's side door. I

saw a magazine on the driver's side floorboard with rounds in it. SRT TEMS personnel were the first units to begin to conduct life-saving measures on Ms. Graham. I observed a large amount of blood exiting her body onto the roadway. I began shouting for other EMS personnel to come assist with Ms. Graham. I saw Deputy Kovalchik standing near me and I instructed her to begin writing down the names of everyone involved in the incident.

I then assisted EMS personnel by helping to clear a pathway for the squad to Ms. Graham, who was now on a gurney, so she could be quickly loaded into the squad car. I was advised that all law enforcement personnel were safe, and it appeared that no one other than Ms. Graham had been injured. I next advised GCSO Dispatch to contact the on-call detective and have them respond to the scene. I then assisted Deputy Daymut in applying crime scene tape around the location of the incident. I stayed at the command center until I was released. At that time, I went home.

I did not discharge my firearm or use any type of lethal force during this incident. I believe that the rounds fired by Sergeant [REDACTED] and Major [REDACTED] were justified as they had no less than lethal force which would have been as effective in stopping the immediate threat Ms. Graham posed to me, and other officers in the immediate vicinity, by pointing her handgun at us and firing it.

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,

Sergeant
Sergeant [REDACTED] [REDACTED]

7-1-22
Date