



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



2024-1015
Officer Involved Critical Incident – 100 Block 8th Street, N.E. New
Philadelphia, Ohio 44663 Tuscarawas, County

Investigative Activity: Interview with Officer
Involves: ██████████ ██████████ (S)
Date of Activity: 04/24/2024
Activity Location: Tuscarawas County Sheriff's Office – 2295 Reiser Avenue SE, New
Philadelphia, OH 44663
Author: SA John P. Tingley, #154

Narrative:

On Wednesday, April 24, 2024, at approximately 0904 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley) and SA Jack Shea (Shea) interviewed Tuscarawas County Sheriff's Office (TCSO) ██████████ ██████████ (██████████) who was accompanied by Paul Sieferth (Sieferth), attorney from the Fraternal Order of Police (FOP) Ohio Labor Council (OLC). Also present was Eric Changet from the FOP/OLC. The interview took place at the TCSO which is located at 2295 Reiser Avenue SE, New Philadelphia, Tuscarawas County, Ohio. The interview was audio recorded.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the interview. 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 nor is it a word-for-word translation of either the questions or answers. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

The interview began with SA Tingley presenting ██████████ with the BCI Criminal Investigation Notification form which ██████████ ██████████ read, understood, and signed.

NAME: ██████████	RANK: ██████████
BADGE NUMBER: ██████████	CRUISER/VEHICLE NUMBER: ██████████
RADIO CALL SIGN: ██████████	IMMEDIATE SUPERVISOR: Deputy Cottrell
RADIO CHANNEL UTILIZED: TCSO Primary	MOBILE DATA TERMINAL: Yes
CRUISER DESCRIPTION: TCSO Marked with Sheriff's Insignia both doors	OCCUPANTS OF CRUISER AND SEATING POSITIONS: Sole occupant

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ASSIGNMENT: Patrol	NORMAL SHIFT: 1800 – 0600
IN-CAR CAMERA: No	SPOTLIGHT: No
EMERGENCY LIGHTS: No	SIREN: No
SHIFT DAY OF THE INCIDENT: 1800 – 0600	DUTY STATUS: Active
DAYS OFF: Rotate	PRIOR OVERTIME OR EXTRA DETAILS WITHIN PRECEDING 48 HOURS OF INCIDENT: None
HOURS OF SLEEP PRIOR TO THE INCIDENT: 7 – 8	CONSIDER SELF WELL RESTED AT THE TIME OF THE INCIDENT: Yes
TOTAL LENGTH AS OFFICER: 4 years	LENGTH AT CURRENT AGENCY: 4 years
PHYSICAL ISSUES (TO INCLUDE HEARING AIDS): No	CORRECTIVE LENSES: Yes
UNIFORM WORN: TCSO. Black Shirt with shoulder patches. Gray pants	EQUIPMENT AND LESS-LETHAL OPTIONS CARRIED ON PERSON/BELT/VEST: Firearm, extra magazines, radio, flashlight, tourniquet, handcuffs
BALLISTIC VEST: Yes	BODY WORN CAMERA: Yes
OTHER RECORDING DEVICES: No	PARTNER: No
INJURIES: Yes	EQUIPMENT DAMAGE: No
TRAINING OR AREAS OF SPECIALTY: CIT	OPOTC CERTIFICATION: Yes
MILITARY EXPERIENCE/TRAINING: Yes. USMC (Infantry)	USE-OF-FORCE TRAINING: Yes. Annual
PRIOR SHOOTING INCIDENTS: No	PRIOR DISCIPLINE OR USE-OF-FORCE COMPLAINTS: No
MEDICATIONS, PRESCRIPTIONS, OR DRUGS THAT MIGHT IMPAIR YOUR DUTIES AT THE TIME OF THE INCIDENT: No	MEDICATIONS, PRESCRIPTIONS, OR DRUGS THAT MIGHT IMPAIR YOU NOW FOR THE INTERVIEW: No
ALCOHOL IN THE PAST 24 HOURS: None	LAST CONSUMED ALCOHOL PRIOR TO THE INCIDENT: None

MAKE: S & W	MODEL: M & P 2.0
CALIBER/GAUGE: 9mm	SERIAL #: unknown
TYPE: Semi automatic	METHOD OF CARRY: Duty holster
MAGAZINE CAPACITY: 17	TOTAL ROUNDS AS CARRIED (INCLUDING CHAMBER): 52
EXTRA MAGAZINES: 2	NUMBER OF ROUNDS IN EXTRA MAGAZINES: 34
DISCHARGED DURING THE INCIDENT: Yes	PRIMARY OR BACKUP WEAPON: Primary
ROUNDS REMAINING AFTER THE INCIDENT: unknown	NUMBER OF ROUNDS FIRED: 3
RIGHT/LEFT HANDED CARRY: Right	OWNERSHIP OF WEAPON: TCSO
LAST QUALIFICATION DATE: unknown	TYPE OF HOLSTER (IF ANY): Security

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After getting the preliminary and demographic information from ██████████ ██████████ SA Tingley asked ██████████ ██████████ to describe the incident in detail, including the nature of the initial incident that he responded to.

██████████ ██████████ advised that he was heading into New Philadelphia on East High Street when he became aware through his Mobile Data Terminal (MDT) of a traffic crash near the location of where he was currently driving. ██████████ ██████████ realized that he was the closest unit and proceeded to the area of the traffic crash.

As ██████████ ██████████ arrived in the general area of the traffic crash, he observed that a large number of people were on the sidewalks and in the street on 8th Street NE. Some of those citizens who were standing in the area directed ██████████ ██████████ towards a subject (later identified as Matthew Flynn), who was running nearby. Flynn then ran toward and stopped near the front passenger side of ██████████ ██████████'s cruiser, which was stopped in the 100 block of 8th Street NE.

██████████ ██████████ then put his cruiser into park, exited his cruiser, and began moving towards the front passenger side of the cruiser. Once ██████████ ██████████ arrived there, he noticed that the passenger side door was standing open.

██████████ ██████████ then observed Flynn in the front passenger seat of the cruiser moving towards the driver's seat of the cruiser. ██████████ ██████████ grabbed Flynn, but Flynn was able to get into the driver's seat. ██████████ ██████████ then got into the front passenger seat of the cruiser and repeatedly gave commands for Flynn to exit the cruiser while he continued to try and grab Flynn.

██████████ ██████████ then observed that Flynn grabbed at different controls and realized that Flynn was trying to put the cruiser into drive. ██████████ ██████████ continued to give commands to Flynn but noticed that when Flynn looked at him, Flynn had a "thousand-yard stare" and was ignoring everything that ██████████ ██████████ was telling him.

██████████ ██████████ became concerned as he believed that Flynn had committed numerous criminal violations, including felonies, and was currently trying to steal the cruiser. At that point, ██████████ ██████████ determined that due to the weapons in the cruiser, the large number of people on the street and on the sidewalk, the fact that Flynn had already crashed a vehicle, and the fact that Flynn was trying to steal the cruiser, ██████████ ██████████ pulled his weapon.

Flynn then began to rev the engine and continued to ignore the commands that ██████████ ██████████ was giving while ██████████ ██████████ was still in the cruiser.

Flynn then put the cruiser into drive and at that time, ██████████ ██████████ fired three (3) times, as the cruiser began to pull away.

██████████ ██████████ then fell out of the cruiser, as it was driving away, and suffered an injury to his right leg, as well as an injury to his left index finger. ██████████ ██████████ then recalled seeing the cruiser driving towards East High Street.

██████████ ██████████ radioed that shots had been fired and that he was injured, and that Flynn

had stolen the TCSO cruiser.

A New Philadelphia Police Department Officer arrived shortly thereafter and began checking ██████████ ██████████ for injuries. Eventually, TCSO Deputy Cottrill arrived on 8th Street NE where ██████████ ██████████ was and took custody of ██████████ ██████████'s duty weapon.

SA Tingley asked ██████████ ██████████ if it was clearly seen that he was a uniformed law enforcement officer. ██████████ ██████████ replied that it was.

SA Tingley asked ██████████ ██████████ about the weather conditions and lighting at the incident scene. ██████████ ██████████ stated that the weather was dry and clear and that it was dusk, and the light was fading.

SA Tingley asked ██████████ ██████████ what the distance was between himself and Flynn when he fired his weapon. ██████████ ██████████ advised that he did not recall.

SA Tingley then asked ██████████ ██████████ why he fired his weapon. ██████████ ██████████ replied that he feared for his own life and to prevent the loss of life.

SA Tingley asked ██████████ ██████████ if he feared for his safety and the safety of others in the area. ██████████ ██████████ replied "Correct".

SA Tingley ██████████ ██████████ if he perceived any other options other than the use of deadly force. ██████████ ██████████ stated not at that time.

SA Tingley asked ██████████ ██████████ if his actions were consistent with his training and experience. ██████████ ██████████ advised "Yes".

SA Tingley asked ██████████ ██████████ if he had any previous contact with Flynn, either personally or professionally. ██████████ ██████████ replied "No".

SA Tingley then asked ██████████ ██████████ if the statement was true to the best of his knowledge. ██████████ ██████████ stated that it was.

After a question from Mr. Sieferth, ██████████ ██████████ explained that he had been involved in a previous incident where a suspect had hit him with a fleeing vehicle and that this was part of his decision to try and keep Flynn from leaving in the cruiser.

The interview was then concluded at approximately 0934 hours.

This interview was audio recorded. The audio recording and the signed BCI Criminal Investigation Notification form are attached to this report. Please review the attachment and audio recording for further details.

Attachments:

Attachment # 01: 2024-1015 TCSO ██████████ ██████████ INTERVIEW

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References:

No references.

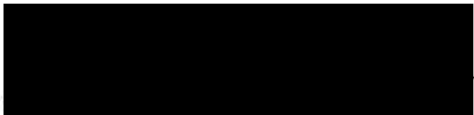


Criminal Investigation Notification

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 of Interviewee

4/24/24 @0903
Date / Time



SA JAMES TINGLEY
BCI Agent (Printed)

SA [Signature]
BCI Agent (Signature)