



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 [REDACTED] (Trooper [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 Trooper [REDACTED] began at 1156 hours, at the Ohio State Highway Patrol Special Response Team (SRT) Headquarters in Columbus, Ohio. Attorney Mary Martin was present for the interview.

Before the interview started, Trooper [REDACTED] was read the BCI Criminal Investigation Notification form (see attachment #1), which he acknowledged and signed. Trooper [REDACTED] advised that he has been with the Ohio State Highway Patrol since 2010 (approximately 12 years). Trooper [REDACTED] has been a part of SRT since 2017 and currently serves partial coverage as a medic (EMT II).

On the date of this incident, Trooper [REDACTED] stated that he was at SRT Headquarters in Columbus when he was advised by his Lieutenant that a subject tried to break into the FBI building in Cincinnati. He heard that troopers were in pursuit of the subject's vehicle and taking fire from the subject, who was now barricaded behind his vehicle.

Trooper [REDACTED] advised that the FBI and OSP marked out on scene and gave visual feedback of the subject, described as a white male armed with a rifle and a vest on.

Trooper [REDACTED] stated that he arrived at a staging location approximately an hour after the incident began. He made contact with uniform patrol officers and replaced positions with SRT officers. Trooper [REDACTED] advised that the FBI was attempting to negotiate with the subject at

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this time. OSP had a robot deployed to get a visual of the subject. Trooper [REDACTED] stated that it was observed that the subject had a rifle slung and verbalized that he was not going to put the rifle down or surrender.

As the scene progressed, Trooper [REDACTED] advised there was a team meeting to handle the situation. Trooper [REDACTED] stated the plan was to use three armored vehicles on the ground and a helicopter in the air with a sniper, to give a live feed of the subject's actions. All four components were to move up to the subject in an attempt to give commands for the subject to comply with orders and "put his rifle down." SRT coordinated having a less lethal option (40mm impact sponge) in case the subject did not immediately fire on them.

Trooper [REDACTED] advised he had his rifle for lethal cover and was positioned in the turret of Warren County's armored vehicle. They moved up to give the subject verbal commands. Trooper Lt. [REDACTED] shot a less lethal round from the same armored vehicle and Trooper [REDACTED] observed the less lethal round hit the subject in the chest area.

Trooper [REDACTED] advised that he saw the subject move his hands to acquire a firing grip on his rifle, manipulate the safety with his thumb, and turn towards the woods. At this time Trooper [REDACTED] stated that he engaged the subject with his rifle, using lethal force.

Trooper [REDACTED] described that the terrain was wooded and could give the subject a "defensive position" making visual sight of the subject more difficult. Trooper [REDACTED] described that the subject "had already shown that he would shoot at law enforcement officers, he was given an opportunity to surrender, and given a less lethal round to try and change his behavior and he did not."

Trooper [REDACTED] stated that he fired 4 rounds at the subject, but is unsure where his rounds hit. He described that the subject was next to the subject's vehicle (1-2 feet from the driver's door), in the ditch line (seated). When the armored vehicles approached, Trooper [REDACTED] stated that the subject sat up (in a kneeling position), was hit by the less lethal round, then the subject stood up on his feet and turned to run. Trooper [REDACTED] stated that the subject was still in possession of the rifle with both hands on it.

Trooper [REDACTED] stated that when he fired at the subject, he fell forward onto his chest and slowly started to roll over on to his side/back and slowly let go of the rifle. Trooper [REDACTED] advised that the subject was down and held cover on him. After the lethal force, Trooper [REDACTED] recalled seeing the subject taking agonal breaths, which was confirmed by the other medic on scene, and there was no medical intervention.

Trooper [REDACTED] stated that officers had previously discussed the subject possibly being in possession of explosive devices. Officers approached the subject and someone observed a propane tank with wires and called "abort." They retreated and backed up to maintain a "defensive perimeter" and held the area until Dayton bomb squad arrived.

Trooper [REDACTED] stated that he went to the OSP Wilmington Post to meet with BCI and be photographed. He advised that his rifle was turned over to Sgt. John Beeler on scene, which was secured and then turned over to BCI.

Trooper [REDACTED] stated he was wearing a clearly marked Trooper SRT uniform/tactical vest on the date of the incident. Trooper [REDACTED] was also carrying a Taser as a less lethal option.

The interview between Trooper [REDACTED] and BCI concluded at 1215 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #2) and typed statement provided by Trooper [REDACTED] (attachment #3).

Attachments:

Attachment # 01: Trooper [REDACTED] [REDACTED] Criminal Notification Form

Attachment # 02: 2022-08-30 / Trooper [REDACTED] Audio Interview

Attachment # 03: Trooper [REDACTED] [REDACTED] Written Statement

Exhibit 1



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



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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 of Interviewee

8/30/22 1157
Date / Time

Signature of Interviewee

[Handwritten Signature]
BCI Agent (Printed)

[Handwritten Signature]
BCI Agent (Signature)

Exhibit 2

Included as a separate file.

Exhibit 3

STATEMENT OF [REDACTED] [REDACTED]

AUGUST 23, 2022

I am a Trooper with the Ohio State Highway Patrol. I have been employed as a law enforcement officer since 2010. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 2011.

I am currently assigned as a Trooper at the Norwalk Post. I am partially assigned to 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 2022. 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 training and am certified as an advanced EMT.

On August 11, 2022, I was working the 0600 to 1400 shift. I was wearing my uniform and had reported to Columbus in a marked patrol car. While on duty, I carry my Sig Sauer 320 RX 9mm pistol along with 4 magazines containing 17 rounds each. One magazine is contained in the firearm, the remaining 3 are carried on my duty belt and 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 cargo area of my vehicle. I had 2 magazines containing 28 rounds each. One magazine is contained in the firearm, the remaining magazine is carried in my vest.

I was approached by my Lieutenant and advised that an individual had attempted to break into a FBI Office in Cincinnati. I was also informed that the individual had fired shots at marked OSHP units who had attempted to make a stop. I retrieved my rifle and helmet 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 told that the suspect had stopped firing on the law enforcement officers on scene. I was also informed that air support was expected and that the law enforcement officers were maintaining a position approximately 100 yards from the suspect.

Shortly before I arrived, a helicopter reported that the suspect was a white male armed with a M4 style rifle. I was told that he appeared to be taking a firing position and was putting on a vest. Law enforcement officers on the scene believed that the suspect had been lightly injured.

I arrived near the I-~~75~~⁷¹⁵⁰⁶ and SR 73 shortly before 11:00. I went to a staging area with other tactical team members from Clinton County, Warren County, Wilmington, and the FBI. I rode in an armored vehicle to the scene and placed the armored vehicle in front of the patrol cars and officers. I maintained security behind the armored vehicle. I was informed that the OSHP equipment truck and armored vehicle were traveling to the scene from Columbus.

I am aware that a 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 experience with explosives.

FBI and OSHP Patrol leadership 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 appear to be triggering an explosive device.

We approached the suspect. I was in the turret of Warren County's armored vehicle. I and another officer provided verbal commands. The suspect was ordered to put down the rifle and place his hands in the air. I observed the suspect stand up with the rifle in his hands. His trigger finger appeared to be straight and off the trigger. We continued to give verbal commands but the suspect did not comply.

The Lieutenant ordered the use of less-lethal force. The suspect was struck with a 40mm "sponge round." We continued to give verbal commands but the suspect did not comply. I observed the suspect opening his right hand on the pistol grip. He appeared straighten his right thumb in what I believed to be an effort to manipulate the safety to place the weapon on fire. He

then re-gripped the rifle in a firing grip and turned to his left in an 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 I could safely withdraw from the location and adequately protect myself or other possibly innocent persons in the area. I placed my rifle on fire and fired four rounds. This is consistent with my training and experience as an SRT officer.

I believe other SRT officers on the scene also fired on the suspect.

The suspect went face down. He eventually rolled onto his back with the rifle over his chest. I maintained cover while other officers planned to approach the suspect and place him in custody. Other officers started to clear the vehicle and observed wires attached what appeared to be a propane tank. We feared that the vehicle contained an explosive device so we pulled back to safe distance. Based on my training and experience as a medic it appeared that the suspect was dead and that no medical intervention was warranted.

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 approached and put handcuffs on the suspect.

I eventually received orders to pull back from my position. I left my rifle with Sgt. Beeler. I reported to the Wilmington Post for a debriefing.



8-23-22

I was issued a Sig M400 .223 Rifle. This rifle was in the cargo area of my vehicle. I had 2 magazines containing 25 rounds each. One magazine is contained in the firearm, the remaining magazine is carried in my vest.

I was approached by my Lieutenant and advised that an individual had attempted to break into a FBI Office in Cincinnati. I was also informed that the individual had fired shots at marked OSHP units who had attempted to make a stop. I retrieved my rifle and helmet and proceeded south on I-71.