



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



2022-2876

Officer-Involved Critical Incident - 256 N. Swain, LaRue, Ohio (L)

Investigative Activity: Interview with Officer

Involves: ██████████

Activity Date: 1/3/2023

Activity Location: Marion County Sheriff's Office - Business - 100 Executive Drive, Marion, OH 43302, Marion County

Authoring Agent: SA Josh Rammel #175

Narrative:

On Tuesday, January 03, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Josh Rammel and SA Tiffany Vollmer interviewed Marion Police Department (MPD) Lieutenant ██████████ (██████), who was accompanied by his attorney, Lane Hagar (Hagar), from the Fraternal Order of Police. The interview took place at the Marion County Sheriff's Office and was regarding the officer-involved shooting (OIS) which occurred on December 20, 2022, in LaRue, Ohio. ██████████ was identified as being directly involved in the OIS. The interview was audio recorded.

████████ read, understood and signed the BCI Criminal Investigation Notification in the presence of Hagar. ██████████ had a prepared statement, which he read to agents.

████████ advised that he graduated from the Ohio Highway Patrol Academy in 2002. ██████████ was hired at the MPD in February 2002, and has spent his entire career with the MPD. ██████████ stated that he is currently a patrol supervising lieutenant, being promoted in 2013, and K9 handler. ██████████ provided his direct supervisor as Major B. J. Gruber. ██████████ indicated that he has no military experience.

████████ stated that his normal shift is 2100 hours-0700 hours Sunday through Wednesday. ██████████ further stated that he is a firearms instructor, along with his assignment as part of the Marion County Joint Special Response Team (SRT). ██████████ provided his unit number as #██████ and the radio frequency used by the SRT on December 20, 2022, was MPD Tach 1.

████████ advised that he does not wear any glasses or prescription lenses, does not wear a hearing aid, or have any additional physical disabilities. ██████████ informed agents that he does not take any prescription medications, nor had he consumed any alcohol within 24 hours of the OIS. ██████████ clarified that it had been a couple of weeks since he last had any alcohol. ██████████ stated that he believed himself to be well rested prior to the OIS, and informed agents he slept from approximately 0900 hours to 1600 hours the day of December 19, 2022, prior to working at both the Marion Technical College, from 1800 hours to 2200 hours, and his normal "modified" shift at MPD, beginning at 2200 hours leading up to the SRT operation at 0500 hours. ██████████ clarified



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



2022-2876

Officer-Involved Critical Incident - 256 N. Swain, LaRue, Ohio (L)

that due to being a K9 handler, he is usually granted an extra hour off during his shift, and on days he teaches at Marion Technical College [REDACTED] he comes into work an hour late. [REDACTED] stated that this is why he started at 2200 hours as opposed to the assigned shift of 2100 hours.

[REDACTED] indicated that he has never been disciplined regarding any form of use-of-force and has never used deadly force. [REDACTED] advised that he has been subject to internal affairs investigations due to use of less-lethal force; but all instances had been deemed within department policy and no discipline was warranted. [REDACTED] stated that he is very familiar with the department use-of-force policy, and the use-of-force policy is reviewed prior to every SRT operation.

On the date of the OIS, [REDACTED] said that he was carrying a Colt M16A1 .223-caliber department-issued rifle. [REDACTED] clarified that some of the attachments to the rifle were personally owned. [REDACTED] indicated that the rifle magazine in the gun carried between 28 and 30 rounds, and [REDACTED] believed he fired 2 rounds during the OIS. [REDACTED] also informed agents that he carried a Glock 17 9mm, as well as a gas mask and Taser X26P. Additional gear worn by [REDACTED] included a distraction device, smoke, handwarmers, a knife, radio, first aid kit, handcuffs, door wedge and magazine pouches. [REDACTED] advised that he did not carry any additional magazines for his rifle, but did have 2 additional magazines for the Glock 17, each carrying 17 rounds. [REDACTED] described his SRT gear to agents, including mentioning that he was wearing an outer carrier vest clearly identifying [REDACTED] as a police officer. [REDACTED] mentioned that he was wearing a body camera, and the K9 vehicle he arrived in also has an in-vehicle camera; but the vehicle was parked by 256 N. Swain Ave., the entire timeframe of the search warrant and OIS. [REDACTED] provided October 2022 as the most recent qualification for both the M16A1 rifle and Glock 17. [REDACTED] also indicated that he carried a personally owned Taurus G2c on his ankle, but it was not discharged during the OIS.

[REDACTED] continued to describe the day of the OIS. [REDACTED] stated that a briefing was conducted at the Marion County Airport prior to executing the search warrant. [REDACTED] indicated that a search warrant was being executed at 256 N. Swain Ave., in LaRue, Ohio, during the early morning of December 20, 2022. [REDACTED] indicated that he was assigned to the team responsible for clearing the trailer residence on the property. [REDACTED] advised that the subject of the search warrant was Travis Hellinger (Hellinger), and Hellinger was believed to have fully automatic weapons in his possession, as well as an extensive criminal history. [REDACTED] advised that prior to arrival at 256 N. Swain Ave., it was announced over the radio that Hellinger had fled from the other building on the property, a detached garage/pole barn believed to be where Hellinger resided, by foot. [REDACTED] stated that his team cleared the trailer and secured the individuals inside the trailer. [REDACTED] further stated, at that time, he observed Hellinger on the train tracks behind the residence with other SRT members providing commands for Hellinger to stop. [REDACTED] and Deputy [REDACTED] ([REDACTED]) left the trailer occupied with other SRT members and went to the tracks to assist with apprehending Hellinger. [REDACTED] mentioned that there was no active arrest warrant for Hellinger,



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



2022-2876

Officer-Involved Critical Incident - 256 N. Swain, LaRue, Ohio (L)

but Hellinger was identified by other officers as being armed, as Hellinger began walking along the tracks.

██████ indicated that as he approached the train tracks, ██████ observed Hellinger shining a bright flashlight at the approaching officers. ██████ stated that he made the comment that he was carrying a Taser, to which Hellinger responded back, "Do not tase me." Hellinger continued to ignore commands to stop walking down the tracks as he continued to shine the flashlight directly at the individual SRT members. ██████ mentioned that Hellinger made several comments indicating that Hellinger did not know who they were, and Hellinger was complaining about "his rights." Hellinger also made several comments about there being no reason for police to arrest him. ██████ advised Hellinger that he was being arrested for "trespassing," due to Hellinger being on the train tracks. ██████ stated as they continued pursuing Hellinger, he heard multiple commands provided where it was positively identified as to who he and the other SRT members were. ██████ informed agents that guns were visible on Hellinger's sides and that Hellinger kept walking down the tracks refusing to comply with all commands from the SRT to drop his weapon, stop moving and keep his hands out of his pockets. ██████ commented that if Hellinger would have complied with officers, they would not have arrested him that night; but Hellinger would have eventually been charged with items found in the house.

██████ mentioned that Officer ██████ (██████) was equipped with a less-lethal shotgun, and ██████ was commanded by ██████ to utilize the shotgun if Hellinger crossed over Section Street, while still on the train tracks. ██████ clarified that from the residence on Swain Ave., where contact was first made with Hellinger, along the train tracks towards Section Street was half residential and half field. Once you cross Section Street, it becomes all residential. ██████ was unable to utilize the less-lethal shotgun due to the distance that Hellinger was keeping in front of the SRT.

At that time, over the radio, Lieutenant Wheeler advised that he wanted Deputy ██████ to use his K9 to apprehend Hellinger. Multiple orders were made to Hellinger to comply, otherwise the K9 would be deployed and may bite Hellinger. Hellinger responded back by stating that he was "going to shoot the K9" if it was sent towards him.

As the SRT members continued to pursue Hellinger along the train tracks crossing over Section Street, the K9 was deployed towards Hellinger. Hellinger discharged his gun in the direction of the approaching K9 and the SRT members located behind the K9. ██████ stated that after observing Hellinger fire his gun towards the K9 and SRT members, the SRT members returned fire back at Hellinger. ██████ commented that the K9 is seen as a tool and not as an officer, but due to Hellinger firing at the K9, the shots were in the direction of the SRT also. ██████ corroborated that he fired two shots towards Hellinger and observed Hellinger fall to the ground.



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



2022-2876

Officer-Involved Critical Incident - 256 N. Swain, LaRue, Ohio (L)

█████ indicated that SRT members then approached Hellinger on the ground, ordering Hellinger to not to touch his guns. █████ mentioned that Hellinger was not cooperating and his hands were forced out from underneath him by SRT members.

█████ advised that the SRT members provided medical care to Hellinger prior to medics arriving, as well as removed Hellinger's weapons from his reach. █████ stated that none of the SRT members were injured, neither was the K9.

Once medics were on the scene, █████ indicated that he provided his body camera and rifle to Major Adkins before returning to the Marion Police Department for additional information.

█████ stated that due to the direction Hellinger fired towards the K9 and the SRT members, █████ believed that there was no other option but to deploy deadly force at that time. █████ mentioned that the response was consistent with his training and experience.

█████ concluded his statement by informing agents that he was able to review his body-camera footage after he prepared his statement. █████ advised that the only thing he wanted to change regarding his statement was that it appeared █████ may have fired three times per the body camera as opposed to two times initially believed.

After █████ completed his statement and answered all additional questions from agents, █████ and Hagar proceeded to meet in the hallway for a few minutes before indicating that they had no additional questions or concerns.

The interview was thus concluded.

During the course of the interview, agents utilized tactics designed to illicit truthful responses and to test the veracity of information provided. As many of the details of the investigation into the incident were publicly available, it was necessary to utilize alternative tactics (beyond the typical methodology of retaining confidential "holdout" information regarding the incident and then comparing/contrasting witness statements with information that could only be known by those with actual knowledge of the incident). These tactics include developing rapport and potentially providing information known to be erroneous. Therefore, misstatements of facts or evidence in the recorded interview by the interviewing agents are intentional and align with the strategy for the overall investigative plan.

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



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



2022-2876

Officer-Involved Critical Incident - 256 N. Swain, LaRue, Ohio (L)

questions. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

The interview was audio recorded. Due to a break taken by [REDACTED] in order to speak with Hagar, the audio was separated into two recordings as opposed to one. The audio recordings were attached to this report. The signed BCI Criminal Investigation Notification form is also attached to this report, along with the written statement provided by [REDACTED]

The first audio recording is 35 minutes 46 seconds long, and the second audio recording is 3 minutes 51 seconds long.

Please see the attachments for further details.



**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

1/3/23 1010 hrs
Date / Time

[Redacted]

Signature of Interviewee

SA Jack Bennett

BCI Agent (Printed)

[Handwritten Signature]

BCI Agent (Signature)



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



Preliminary and Demographic Information Worksheet:

Name: [Redacted] MPD	Rank: Lt.
Badge Number: [Redacted]	Cruiser/Vehicle Number: [Redacted] K9 always
Radio Call Sign: [Redacted]	Immediate Supervisor: Maj. D. Grier
Radio Channel Utilized: MPD Tech 1	Mobile Data Terminal: [Redacted]
Cruiser Description: not in use	Occupants of Cruiser and Seating Positions:
Assignment: K9 Lt. PND	Normal Shift: 9p-7p
In-Car Camera: none	Spotlight: N/A
Emergency Lights:	Siren:
Shift Day of Incident:	Duty Status:
Days Off: 10-7p Thu - Sat	Prior Overtime or Extra Details within Preceding 48 Hours: no
Hours of Sleep Prior to Incident: 9p-4p	Consider Self Well Rested?: yes
Total Length as Officer: 20yrs	Length at Current Agency: 20yrs
Physical Disabilities (to include hearing aid): no	Corrective Lenses: no



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



Uniform Worn: navy pants black SRT helmet	Equipment and Less-Lethal Options Carried on Person/Belt/Vest:
Ballistic Vest: yes police yellow	Body Worn Camera: yes
Other Recording Devices: N/A	Partner: N/A
Injuries: no	Equipment Damage: no
Training or Areas of Specialty:	OPOTC Certification: OSHP Academy
Military Experience/Training: no	Use-of-Force Training: tactical
Prior Shooting Incidents: none	Prior Discipline or Use-of-Force Complaints: no
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: none	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: none
Alcohol in Past 24 Hours? no	Last Consumed Alcohol Prior to Incident: couple weeks



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



Officer's Firearm(s):

Weapon #1

Make: <u>Colt</u>	Model: <u>M16</u>
Caliber/Gauge: <u>223</u>	Serial:
Type:	Method of Carry:
Magazine Capacity: <u>30</u>	Total Rounds as Carried (including chamber): <u>unknown</u>
Extra Magazines: <u>no</u>	Number of Rounds in Extra Magazines: <u>n/a</u>
Discharged During Incident? <u>yes 2-3</u>	Primary or Backup Weapon:
Rounds Remaining After Incident:	Number of Rounds Fired: <u>2-3</u>
Right/Left-Handed Carry: <u>NSH</u>	Ownership: <u>MPD</u>
Last Qualification Date: <u>10-2022</u> <u>qualification</u>	Type of Holster, if any: <u>Slings</u>

Weapon #2

Make: <u>Glock 17</u>	Model:
Caliber/Gauge: <u>9mm</u>	Serial:
Type:	Method of Carry: <u>daily left right</u>
Magazine Capacity: <u>17</u>	Total Rounds as Carried (including chamber): <u>17</u>



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



Extra Magazines:	Number of Rounds in Extra Magazines:
Discharged During Incident? no	Primary or Backup Weapon:
Rounds Remaining After Incident:	Number of Rounds Fired:
Right/Left-Handed Carry:	Ownership:
Last Qualification Date: last year	Type of Holster, if any:

Weapon #3

Make: Taurus	Model: 226
Caliber/Gauge:	Serial:
Type:	Method of Carry:
Magazine Capacity:	Total Rounds as Carried (including chamber):
Extra Magazines:	Number of Rounds in Extra Magazines:
Discharged During Incident?	Primary or Backup Weapon:
Rounds Remaining After Incident:	Number of Rounds Fired:
Right/Left-Handed Carry: left ankle	Ownership:
Last Qualification Date: since 93 handgun / 12 slides yes	Type of Holster, if any:

Statement of Lieutenant [REDACTED], City of Marion Police Department
Regarding Incident of December 20, 2022

I. Background.

I began my full-time employment with the City of Marion Police Department (“Marion PD”) on February 25, 2002. I began my employment as a Police Officer. In 2008, I began a Detective assignment while in the rank of Police Officer. From 2013 to the present, I have been a K-9 handler. I was promoted to my present rank of Lieutenant in 2015. I had no law enforcement experience prior to beginning my service with the Marion PD. I do not have any military service.

I attained my basic Police Officer Training at the Ohio Highway Patrol Academy, graduating in 2002.

I attended River Valley High School, Caledonia, graduating in 1997. I attained a Bachelor’s Degree in Criminal Justice/Law Enforcement at Tiffin University, Tiffin, graduating in 2001.

My current assignment is as a Patrol Supervisor and as a K-9 handler. I supervise third shift. I am also a member of the SRT Team. My current supervisor is Major B.J. Gruber.

My regularly assigned work hours are from 9:00 p.m. to 7:00 a.m. My regularly assigned work days are Sunday through Wednesday.

My supplemental assignments at the Marion PD include K-9 Handler, Firearm Instructor, and Basic OPOTA Instructor at the Marion Technical College Academy.



I do not wear prescription glasses, contacts or a hearing aid. I take no prescription medication. I was not under the influence of alcohol or any drug, prescribed or otherwise on the date of the incident. I had no alcohol consumption within the eight (8) hours prior to being called out for the incident.

As a law enforcement officer, I have never received any discipline relative to the use of force. I have never been the subject of any Internal Affairs investigation relative to the use of force. In my law enforcement career, I have never before used lethal force. However, there have been occasions at the Marion PD where I have used less than lethal force, by use of my Taser and by use of Oleoresin Capsicum (“OC”). In all instances where I’ve used less than lethal force, the use has been reviewed and my use has been found to be within Departmental policy.

I am familiar with the Marion PD’s Use of Force Policy. I am trained on this Policy monthly through Lexipol and I was briefed on this policy prior to the incident by Lieutenant Wheeler.

I fired a Colt M16A1 rifle which was Department-issued. I fired this weapon in semi-automatic mode only. As noted, this weapon was Department-issued with personal accessories which were approved by the Department. I last qualified for this weapon in October 2022.

My magazine for this rifle was in the weapon and contained between eighteen (18) to thirty (30) rounds. I believe I fired two (2) rounds in the incident.

On my duty belt, I carried on my right side a Glock 17 pistol; on my left side I carried my gas mask, and on my front left side I carried my Taser X26P. On my outer duty belt (from my left to my right), I carried the following on the date of the incident: A pouch containing a distraction device, smoke, handwarmers and a knife. Magazine pouch, body camera, door wedge, handcuff pouch. On my back, I had a radio and a first aid kit.

I had a backup weapon, a Taurus G2c pistol, which I carried on my ankle. My backup weapon is my personal weapon which I carry with Department approval. On my right ankle, I carried a first aid kit and tourniquet.

My duty weapon, which I had on my belt, was a Glock 17 9mm. This weapon is Department-issued and I qualified with this weapon in the last twelve (12) months prior to the incident.

On Sunday, December 18, I worked my normal work hours. On Monday, December 19, I was at the Marion Technical College as an Instructor from 6:00 p.m. to 10:00 p.m. and at the Marion PD on duty from 10:00 p.m. prior to my callout for the incident at 10:15 p.m. ^{0300 hrs} [REDACTED]

I was well rested prior to the incident. I slept on December 19 from 9:00 a.m. to 4:00 p.m.

At the time of the incident, I was wearing my prescribed uniform which included navy blue patrol duty pants, a black and grey camo jacket top, a black SRT vest which had Yellow Police markings and, a black SRT/ballistic helmet. I was wearing a Department-issued body camera. My body camera, both audio and video, was

working during the incident. I carried no personal recording device. My cruiser, which does not have a dash cam, was not at the scene of the incident.

Prior to the incident, while I was on duty, I engaged in regular patrol duties as a supervisor.

The weather at the time of the incident was dark, but not adverse. There was no natural lighting at the scene of the incident, but there was some adjacent street lighting and other lighting, including light from Mr. Hellinger's flashlight, which was enough to provide sufficient lighting.

II. Incident Narrative.

On December 20, 2022, I assisted in serving a search warrant as part of the Marion Special Response Team. The warrant was being served at an address in Larue. I was assigned to the team that was going to clear the trailer on the property. As we approached the property, officers already on scene advised over the radio the target of the search warrant, Travis Hellinger. Mr. Hellinger had fled from another building on the property on foot. My team continued to the trailer and forced entry. Two females were located inside and secured in the trailer.

After securing the trailer, Deputy [REDACTED] and I left the trailer and I instructed Officers Cochell and Beveridge to stay in the trailer with the two females. Shortly after leaving the trailer, I could see Mr. Hellinger on the railroad tracks behind the trailer. There were officers already on the railroad tracks giving orders to Mr. Hellinger. Another group of officers was approaching the tracks on our left side. Deputy [REDACTED] and I approached the tracks and met up with the other two groups of officers and deputies.

As I approached the tracks, I could see Mr. Hellinger using a very bright flashlight and shining it in the direction of approaching officers. I advised Deputy [REDACTED] I had a Taser and we began walking toward Mr. Hellinger who heard that and directed the flashlight toward us and yelled, "don't taze me."

We met up with the group of officers to our left and began walking to the tracks. Mr. Hellinger continued shining the flash light at us moving between groups of officers, yelling at us and refusing to comply. He yelled that he didn't know who we were. I heard Deputy [REDACTED] advise it was the Sheriff's Department. Mr. Hellinger yelled things along the lines that we had no right to be on his property. He was told to stop, get on the ground, not to touch guns that were visible on his sides and to keep his hands out of his pockets. He refused to comply.

Mr. Hellinger continued backing away from us and going toward Section Street. One side of the railroad tracks was lined with houses and the other was lined by open fields. Mr. Hellinger was on the open field side but would walk toward the house on the side of the tracks. Officer [REDACTED] had a less lethal shotgun and I instructed him to shoot Mr. Hellinger with it if he crossed the tracks to the residential side, each time Mr. Hellinger got close he would go back to the other side of the tracks.

Lieutenant Wheeler advised over the radio he wanted Deputy [REDACTED] and I to get our K-9s and use them to apprehend Mr. Hellinger. At that time, I was not in a position to retrieve my K-9 and stayed with the group trying to control Mr. Hellinger. Deputy [REDACTED] did arrive with K-9 Viking. Orders were given many times to Mr. Hellinger to surrender and he was warned multiple times the K-9 would be deployed. He stated he would shoot the K-9 if it was sent. The K-9 was sent and when it approached Mr.

Hellinger, he began shooting at the K-9 and in my direction. Officers including myself returned fire. I fired my rifle two (2) times before Mr. Hellinger went down. Once he went down, I along with other SRT members, approached him continuing to give orders for him to not touch the guns and keep his hands visible. He did not comply. His hands had to be forced out and he pulled away reaching for his stomach area.

There was a pistol in a shoulder holster visible on his left side. I told other officers to find the other weapon as the one in the holster was likely not the one he fired. They did not immediately locate the other weapon. I grabbed his left arm and I pulled him over to his back. There was a semi-automatic pistol with what looked like an extended magazine sticking out of his sweatshirt pocket. I grabbed the gun and removed it and handed it off to another officer. Deputy [REDACTED], who is also a medic, began evaluating Mr. Hellinger' injuries and asked for a tourniquet, I gave him mine.

We continued checking for injuries and keeping Mr. Hellinger from moving his hands. I was advised K-9 [REDACTED] was with Deputy [REDACTED] who was checking the K-9 for injuries. I went to them and assisted in checking the K-9. After we finished I gave my rifle and body camera to Major Adkins and was directed to Lt. Ralston who stood with me until I was directed to return to the Marion PD.

The backdrop, when I fired my weapon, was towards the railroad tracks and the open area nearby.

I used lethal force in this incident by discharging my rifle because I do not believe that there was any less lethal force that could have been used and would have been

as effective in stopping the immediate and direct threat which Mr. Hellinger posed to me and to the other SRT members at the scene by pointing and shooting his weapon towards K-9 [REDACTED] and towards me and other SRT members.

My action in firing, as described above, was consistent with my training and experience as a law enforcement officer.

I had no prior law enforcement or personal contact with Mr. Hellinger.

My statement is made from the best of my recollection as to the incident on December 20, 2022. Prior to preparing my statement, I had not viewed either my body camera or any other video of the incident. On December 22, I reviewed my body camera video and other video of the incident. After viewing my body camera and other video, I do not believe there are any substantial changes to my statement. However, from the video, it does look like I may have fired three times and not twice like I stated in my statement.

Respectfully submitted,

LT [REDACTED]
Lieutenant [REDACTED]

1/3/23
Date



