

Ohio Attorney General's Office Bureau of Criminal Investigation Prosecutor Summary



Involves: Ricky W. Shiffer (S), Cheryl Shiffer (O), Dale Wolfe (V), Tpr.

(S), Tpr. (S), Tpr. (S), Sgt. (S), Trooper (S), Sgt. (S), Trooper (S), SA LNU (S), Tpr. Jacques Illanz (W), Dep. Tim (S), Sgt. (S), Trooper (S), SA LNU (S), Tpr. Jacques Illanz (W), Dep. Tim (S), Dep. David Boris (W), Ohio State Highway Patrol–SRT (O), Engle & Martin Law

Offices (O), Trooper (S)

Author: SA Kenneth J. Smith, #53

To: Clinton County Prosecutor Andrew McCoy

CC: SAS Will Jones

From: SA Kenneth Smith

Date: 12/20/2022

Case Title: Officer Involved Critical Incident - Smith Road Near Van Tress Road, Clinton County

Case Number: 2022-1673

Investigative Request:

The following prosecutor summary serves as an overview of the criminal investigation of an Officer-Involved Critical Incident (OICI) that occurred on Thursday, August 11, 2022. Captain Jeremy Landis of the Ohio State Highway Patrol, requested the Ohio Bureau of Criminal Investigation (BCI) conduct an independent investigation into the facts and circumstances surrounding the OICI. The incident occurred at Smith Road near Van Tress Road, which is located in Chester Township, Clinton County, Ohio. The incident stemmed from a call of an armed subject attempting to break into the FBI Office in Cincinnati with a nail gun, who was fleeing from FBI agents northbound on Interstate 71.

Preface: This report only summarizes the investigative activity and information gathered by BCI. Not all facts and details are presented in this report. Therefore, it is recommended that each individual report from which this document is derived be reviewed in order to obtain a complete understanding of this investigation. Audio and/or video recordings exist for some of the interviews conducted, revealing further details of the statements made regarding the incident. Additionally, BCI was not authorized to view FBI reports or interview FBI personnel in

regards to the incident.

Investigative Team:

BCI Special Agent Kenneth Smith was assigned as the lead Special Investigations Unit (SIU) case agent. BCI Special Agents Richard Ward, Douglas Eveslage, Perry Roeser, David Hornyak, Joshua Schlie, and Lauren Frazier were assigned as assisting agents. BCI Special Agents Chad Holcomb, Aja Chung, and Special Agent Supervisor Josh Durst from the BCI Crime Scene Unit processed the scene of the incident and the involved officers, documenting, preserving, and collecting possible evidence. Analyst Stephanie Littell from the Criminal Intelligence Unit was also assigned. The investigation was supervised by Special Agent in Charge Roger Davis. Additionally, personnel from the BCI Crime Laboratory performed scientific analysis on submitted evidentiary items.

Synopsis of Incident:

The following information is based on the statements of the involved law enforcement officers, a witness, body-worn and cruiser camera footage, and dispatch and CAD information.

On Thursday, August 11, 2022, subject Ricky Shiffer had attempted to force entry into the FBI Field Office in Cincinnati, Ohio, armed with an AR-15 rifle and a nail gun. The breach attempt failed and a vehicle pursuit ensued involving Ohio State Highway Patrol troopers. Shots were fired by the subject during the pursuit on northbound Interstate 71, striking a civilian vehicle. The pursuit ended on Smith Road in Clinton County, when the subject stopped and engaged the pursuing troopers with gunfire. An hour's long standoff followed, with the subject eventually being shot by OSHP SRT troopers and an FBI SWAT agent after negotiations for the subject's surrender failed and SRT troopers attempted to take the subject into custody.

Summary of Investigative Process:

The following is a partial list of investigative activities or methods that were used during the course of this investigation:

- Processing of the scene by BCI Crime Scene Unit
- Obtained a request for assistance from the Ohio State Highway Patrol
- Recorded interviews with responding troopers/deputies from Ohio State Highway Patrol and Warren County Sheriff's Office
- Recorded interview with the civilian shot at on the highway during the pursuit
- Obtained and reviewed closed-source biographical information on Ricky Shiffer, to include criminal history, OHLEG and more
- eTrace from the Bureau of Alcohol, Tobacco and Firearms (ATF) for the firearm possessed and used by Ricky Shiffer; a Ruger AR-556 rifle purchased by Shiffer on 08/14/2021 in Tampa, Florida
- Collected and reviewed body-worn camera and cruiser camera footage from OSHP and Warren County Sheriff's Office
- Received and reviewed Clinton County Coroner's Office reports for Ricky Shiffer
- Collected and reviewed Warren County Communication Center radio traffic and CAD reports

- Obtained and reviewed Warren County Sheriff's Office Use of Control Policy and Procedure
- Obtained and reviewed Ohio State Highway Patrol Response to Resistance Policy and Procedure
- Reviewed personnel files of involved officers
- Received and reviewed Flock camera footage from the morning of 08/11/2022
- BCI Firearms Laboratory Examination of Ballistic Evidence and firearms
- Obtained Twitter posts and retweets, including social media of/featuring Ricky Shiffer

Investigative Interviews:

FBI SWAT agent unavailable to be interviewed.

Multiple troopers and deputies were interviewed during the investigation. The below listed interviews best summarize the events on Thursday, August 11, 2022.

Trooper Jacques Illanz:

Illanz stated that on August 11, 2022, he heard that a male had attempted to get into the FBI building. After gathering more information on his radio and computer, Illanz learned that the subject was possibly heading North on I-71 near the Kings Mill area, in a white Ford Crown Victoria and was being followed by an FBI agent in an unmarked vehicle.

Illanz was later given a better description of the subject and vehicle, which was described to have Florida plates and dark tinted windows. Illanz located the vehicle on North I-71 near the Beach Waterpark and confirmed the license plate as the subject's vehicle. Illanz stated that he followed the vehicle until additional units arrived, then attempted to do a felony traffic stop. At this time he said the subject began to flee and went on to the left shoulder to pass a semi and fired a shot at a black van with government plates that was driving on the right side of the subject's vehicle. Illanz later explained that he was the 2nd vehicle in the pursuit, calling the pursuit while Lt. was the first car behind the subject vehicle. Illanz said that the subject got off at State Route 73 and almost crashed. The subject continued on to 380 and eventually turned on to Smith Road. Illanz said that the subject stopped perpendicular to the road. Illanz exited his patrol car and said he pulled his service weapon, but immediately retreated to his trunk to get his rifle. At this point, Illanz began hearing gunfire exchanged. The gunfire stopped for a while and then gunfire started back up again. Illanz explained that he saw the subject peek out from behind the Crown Victoria and point a gun in his direction. Illanz also stated that a deputy (), had fired from the same side of the patrol vehicle and Illanz believed that he was injured from the compression of the rifle fire in close proximity. Illanz said that he did not fire his weapon during this incident although deadly force was authorized.

Trooper :

stated that dispatch advised that a subject attempted to break in to the FBI building. The subject was described as a White male, bald, with glasses, driving a white Crown Vic with Florida plates, driving North on I-71 near the Kings Mills exit. At some point Trooper Illanz located the subject vehicle. Stated that himself, Trooper Lt. and Trooper Sgt. Staples responded to assist Illanz. They were able to catch up to Illanz around the 39

milepost. Once they initiated their lights, the subject accelerated, drove on to the left berm, saw the subject shoot at a black van. At this point, and passed a semi. Shortly after, got his shotgun out. He described that the subject exited on SR 73, cut off a white car, and eventually turned left on Smith Road. stated he could see the subject getting worked up and appeared to be preparing for something. maintained some distance before the subject stopped and put himself in a ditch on the road and exited his vehicle. exited his vehicle with his shotgun and attempted to yell commands for the subject to drop his felt something hit him at this time and he retreated to the back of his vehicle. discharged two (2) rounds from his shotgun towards the subject. He stated he could hear rounds being fired by the subject towards him. thought he was shot and Trooper assessed him and could not locate anything at this time. said that he shot an additional round from his shotgun and then went to his trunk to get his rifle. When he went to rack his rifle, his firearm got a double feed and was inoperable. Eventually, was relieved by other advised that he obtained two injuries from this incident, including a popped ear drum and abdomen injury (copper fragment).

Dale Wolfe:

Wolfe stated earlier that morning, he left the guard base at 0930 hours in a black 2019 Ford GF van and was headed to Columbus, Ohio, for supplies. Wolfe said that while he driving northbound on I-71, he noticed no traffic behind him, which he thought was odd. Wolfe said he then saw a white car behind him with OSP troopers in the roadway following the white car. Wolfe explained soon after that he noticed the troopers and the white car behind him, he saw the overhead emergency lights on the cruisers go on and all approaching vehicles quickly closing the distance to him. Wolfe said he moved to the right-hand lane of travel as the white car approached his van. Wolfe said as the white car passed his van on the left side, his driver's side rear middle window (just behind his head) was shot out. Wolfe explained that the bullet passed through the vehicle and exited the passenger's rear window. Wolfe explained he believed the weapon was a rifle based on the sound and his knowledge of firearms. SA Roeser asked Wolfe if he could determine where the shooting occurred on the roadway. Wolfe said he thinks it was 1-2 miles before State Route 73. Wolfe noted the van he was operating had pre-existing damage to it, including a missing mirror on the driver's side exterior door. Wolfe said he did not see the firearm in the white car as it was driving past him. Wolfe noted that after the shooting, he pulled over to the berm. One of the last OSP cruisers in the pursuit pulled up next to him and inquired about his condition. Wolfe told the trooper he was fine. Wolfe said he exited his van at the next off-ramp, State Route 73, and gathered his emotions. Wolfe said he searched for the nearest OSP post and located Post 83 in Lebanon to report the incident. Wolfe explained he remembered passing the same white car earlier on I-71 with no issues. SA Roeser asked if he noticed any behavior issues with the operator as he passed it. He said, "no". SA Roeser asked Wolfe for a description of the vehicle and the operator of the car. Wolfe said the car was a 4-door sedan with Florida license plates, and the driver was a White male. Wolfe said he remembered the White male was eating or chewing on something as he initially passed him. SA Roeser asked Wolfe how much time passed between the initial passing of the white car and the shooting time. Wolfe said about 5-10 minutes. SA Roeser asked Wolfe how fast he traveled when the bullet struck his van. Wolfe said his cruise control was set at 70 MPH. Wolfe noted he estimated the white car and OSP cruisers were traveling at 90 MPH plus when they passed him. Wolfe stated he thought he might have been targeted because of the government tags on the

van's rear bumper.

Trooper ::

said that he was 4th in line for the pursuit. He observed the subject shoot at a black panel slowed to check on the occupant of the van, and van and Lt. said that the subject exited on 73 eastbound then turned left on to Smith Road. pursuit. The subject stopped, intentionally pulled his car off, and barricaded himself in a ditch. stated he already had his rifle out and exited his vehicle from approximately 60-65 yards from drew a rough sketch (not to scale) of the position of his vehicle in comparison the subject. to other units on scene (see attachment #1). described that they were surrounded by corn and bean fields and the backstop behind the subject's vehicle was clear. stated he went to the rear bumper of Trooper vehicle. He could see the shoulder strap of a rifle on the subject who was crouched down at his rear driver's door and the barrel was pointed in his general direction. At this time, stated that the subject shot at officers and back, emptying his first magazine (28 rounds). got additional magazines from the trunk of his vehicle and went back to Trooper vehicle. said that he saw a silhouette of the subject and fired an additional 2 rounds at the subject through the subject's window. approximated that he went through half of his 2nd magazine and fired approximately 35-40 stated that most of his rounds impacted the rear body and window of the subject's vehicle. At one point, Trooper thought he was shot and checked him for injuries but was unable to locate anything. maintained cover until additional units showed up and he was eventually relieved by SWAT.

Lieutenant :

stated that he observed the subject shoot at a black van, heard a loud explosion, and saw smoke and glass. The subject took off and began passing on the berm. slowed down to check on the occupant of the van and Trooper passed him, making him 4th stated that the subject got off at SR 73, almost crashed at the in line at this time. top of the ramp, continued eastbound on 73 towards Wilmington, and then turned left on to advised that the subject intentionally pulled off the road and stopped, believing that the subject parked in a position to use his car as cover. He described that they were near cornfields and that the subject was positioned with trees behind him and a clear stated that he could see the subject at the rear of his Crown Vic driver's backdrop. tire. He started hearing shots fired by the subject and other officers returning fire. stated he was "in fear for himself and his coworkers" and began firing towards the subject. aimed towards the rear tire where he observed the subject, but was unsure where his rounds hit. said he fired approximately 10-11 rounds (28 round magazine) and did stated that he started giving commands to the subject, telling not switch magazines. him that they would try to get him help. At some point, there was another round of firing and did not fire at this time, because he was unsure of the exact location of the subject. He said that he could hear the subject yelling, but could not understand what he was saying.

Sergeant :

advised that he exited his vehicle and heard shots fired and a muzzle flash pointed towards him. It was belief that the subject was firing over the hood of the white Crown

stated that due to the lighting at that <u>time of</u> day, he could see a silhouette of the subject at the "b pillar" of the subject's vehicle. was armed with his Colt AR-15 rifle with EOTECH optics and stated that he fired 4 rounds (from a 28 round magazine), including 2 rounds through the subject vehicle's front passenger glass and 2 rounds through the rear passenger glass. He described that they were near cornfields and that the subject was positioned with trees behind him and a clear backdrop. stated that he maintained his position and 12-13 minutes later, there was additional qunfire, but he did not discharge his firearm. He estimated that he stayed in position for a few hours until relieved by other officers. Trooper indicated that he parked behind several vehicles already on scene and made his way up to the right rear of Trooper Illanz's patrol vehicle, a Dodge Charger. attempts were made by other officers to give commands to the subject and aviation assistance said that the subject was on the driver's side of his vehicle, using the vehicle arrived. stated that he saw a "silhouette" of the subject's head and a rifle barrel pointed in his direction. said that Trooper Illanz and aviation observed the same. After the subject further revealed himself. stated that he discharged his weapon due to the threat that the subject posed. was armed with his AR-15 rifle (Anderson with iron sights) which he shot through Trooper driver's door glass, to engage the subject. stated his rounds were targeted towards the location of the subject and the rear passenger side of the subject's vehicle. could not recall how many rounds he fired, but estimated it was approximately half a full magazine, which is typically 28 rounds. said that he did a tactical reload and placed his original fired magazine (32 rounds) on the rear of Trooper Illanz's vehicle. No additional rounds were fired from the new magazine. It was later determined that BCI had not collected the fired magazine and it was handed over at a later date. gave his rifle to Lt. Price after clearing it and making it safe. coordinated getting bigger vehicles up front and armored vehicles on scene and remained as cover until additional units arrived. said that the subject did not fire at officers while he was on scene, however, deadly force was authorized. **OSHP SRT:** Lieutenant began towards the scene and received additional subject information. He advised that he went to a staging area to meet with SWAT units. During this time, the FBI suggested that the Ohio State Highway Patrol handle the arrest of the subject. Lt. advised that the FBI and Ohio State Highway Patrol both had armored vehicles and aviation assets on scene and that the FBI had a sniper that was positioned northwest of their general location. After approximately 3 hours of negotiations by the FBI with the suspect, Lt. stated that he heard the subject was not going to give up or put his rifle down. Lt. stated that if the subject were to flee into the cornfield or woods, that it would be a major concern to the public. A tactical plan was discussed by Ohio State Highway Patrol command staff and the FBI tactical commander received approval from Washington to cease negotiations and try another plan by using verbal commands and less lethal options to gain compliance. SRT Troopers began to approach the subject in an armored vehicle, and announcements were made over the loud speaker to give the subject an opportunity to give up. Lt. stated there was no

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

stated that he was positioned in the front crew

verbal response by the subject. Lt.

compartment of the armored vehicle (under the turret), with a direct view of the subject. Lt. stated that the subject was holding a rifle and based on his experience, there was a high probability that the subject was engaging the safety. Lt. stated that he announced and engaged the subject with one less lethal (40mm) foam round, which he believes struck the subject's right shoulder. Lt. advised that the subject sat up, pivoted, and attempted to run with the rifle still in his hands. At this time, the subject was engaged by other SRT Troopers with lethal force and Lt. stated the subject fell face first onto the ground. Lt. advised that approximately 2 seconds later, the subject was engaged by the FBI sniper stated that he used the radio to tell the sniper to stand down with one round. Lt. prior to officers exiting the armored vehicle. Lt. described that they were concerned of possible explosives on the subject or in the subject's vehicle, based on information heard earlier. Another Trooper observed a propane tank in the subject's vehicle and officers aborted and waited for Dayton bomb squad to arrive and secure the scene.

Trooper OSHP SRT:

Trooper 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 advised that the FBI was attempting to negotiate with the subject at this time. OSP had a robot deployed to get a visual of the subject. Trooper 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 advised there was a team meeting to handle the situation. Trooper 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 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. shot a less lethal round from the same armored vehicle and Trooper observed the less lethal round hit the subject in the chest area. Trooper 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 stated that he engaged the subject with his rifle, using lethal force. Trooper described that the terrain was wooded and could give the subject a "defensive position" making visual sight of the subject more difficult. Trooper 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 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 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 stated that the subject was still in possession of the rifle with stated that when he fired at the subject, he fell forward onto both hands on it. Trooper his chest and slowly started to roll over on to his side/back and slowly let go of the rifle. lacktriangle advised that the subject was down and held cover on him. After the lethal force, Trooper recalled seeing the subject taking agonal breaths, which was confirmed

by the other medic on scene, and there was no medical intervention. Trooper 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 OSHP SRT:

Trooper stated that the FBI was negotiating and he maintained cover awaiting further said that he helped deploy a robot to obtain visual of the subject. direction. Trooper He was able to observe that the subject had minor scrapes on his leg, hand, and cheek. At some point, Trooper stated there was a meeting with SRT to use less lethal force and verbal commands to attempt to get the subject to peacefully surrender. Trooper assigned deadly force cover with his rifle at the rear port hole of an armored vehicle. Once the armored vehicle approached the subject, verbal commands were given by Mike Petula via speaker. Trooper stated that Trooper Lt. deployed a less lethal round from the front port hole of the armored vehicle. The less lethal round struck the subject in the chest and Trooper stated he observed the subject put his hand on his weapon, look around, and "take off" for the wood line. Trooper described that I–71 was currently shut down with a massive amount of traffic, which was located near the scene. He also described that due to the cover and concealment of the tree line behind the subject, there was no other option but lethal force due to the "threat to [himself], other officers, and society itself." Trooper stated he fired one round before his rifle jammed. He believes that he struck the subject near his buttocks. He stated that he tried to clear the malfunction and then switched to his pistol to maintain cover on the subject. Trooper stated that Trooper , in the turret, also engaged the subject with lethal force at this time. Trooper drew a rough sketch of where officers were located inside of the armored vehicle in comparison to the suspect (see attachment #2). Trooper stated that they had been briefed that the subject possibly had explosives. He stated that he observed the subject from the armored vehicle with agonal breathing and believed him to be deceased. Officers exited the armored vehicle to clear the subject's vehicle. Trooper said that he tapped the glass on the vehicle, which shattered due to several bullet holes. He stated that he observed a red nail gun with a blue and white light and speaker wires going to a propane tank. Trooper verbalized to other officers of possible explosives and they aborted and waited until Dayton bomb squad arrived.

BCI Firearms Laboratory Report Number 22-17529:

FBI .308 Caliber rifle was unavailable for testing.

Four (4) fired 223 Remington/ 5.56mm cartridge cases recovered from the scene were identified being fired from deceased Ricky Shiffer's Ruger AR-556 SN: 859-79984.

Three (3) fired 12 gauge shot shells recovered from the scene were identified being fired from Trooper Remington model 870 Police Magnum Shotgun S/N:

Three (3) fired 223 Remington cartridge cases recovered from the scene were identified being fired from Deputy Smith & Wesson model M&P-15 5.56 rifle S/N:

Seventeen (17) fired 223 Remington cartridge cases recovered from the scene were identified being fired from Trooper Anderson Mfg. model AM-15 223 Rem/ 5.56mm rifle S/N:
Thirty-two (32) fired 223 Remington cartridge cases recovered from the scene were identified being fired from Trooper Anderson Mfg. model AM-15 223 Rem/ 5.56mm rifle S/N:
One (1) fired 223 Remington cartridge cases recovered from the scene were identified being fired from Trooper Sig Sauer rifle S/N:
Five (5) fired 223 Remington cartridge cases recovered from the scene were identified being fired from Trooper Sig Sauer rifle S/N:
Review of Bodycam and Helicopter recordings:
A review of the footage from the OSHP SRT Team in the armored vehicle as well as the OSHP helicopter show the end of the incident. The OSHP SRT Team moves into place to attempt to take Shiffer into custody after hours long negotiations for his surrender have failed to progress. The armored vehicles move into to position and commands are given to Shiffer. Shiffer continues to hold his rifle and a 40mm less lethal round is fired and fails to take effect. Shiffer then stands, turns. and begins running towards the woodline. Troopers and engage Shiffer with several shots and Shiffer falls. Shiffer is then engaged by an FBI SWAT Agent with a single shot from the area of Van Tress Road. The team leaves the armor to take Shiffer into custody and observe what they believe to be possible explosives in Shiffer's vehicle. The scene, including Shiffer's body are then checked for explosives by the bomb squad.
Montgomery County Coroner's Officer Autopsy Findings:
Ricky Shiffer-postmortem examination conducted on August 12, 2022,

Summary:

All persons known to have relevant information regarding this investigation have been interviewed, and all known records have been obtained and reviewed. BCI has striven to conduct a thorough and impartial investigation into this OICI. BCI will continue to assist in the investigation of any newly identified witnesses or information related to this criminal investigation. At this time, it appears that BCI's investigation into this OICI has concluded, unless new information or witnesses are identified through the grand jury or other processes. As always, BCI remains available for consultation, and we look forward to your assessment of this investigation and your decision as to any additional efforts, processes, or further assistance you might determine to be necessary.

End of Summary.