



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

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**Involves:** Timothy D West (S)  
**Date of Activity:** 10/11/2023  
**Activity Location:** Ohio Bureau of Criminal Investigation – 1560 SR-56 SW, London, OH 43140  
**Author:** SA Steven Seitzman

**To:** Mr. Jess Weade, Fayette County Prosecutor

**CC:** William Jones, Ohio BCI Special Agent Supervisor

**From:** Steven Seitzman, Ohio BCI Special Agent

**Case Title:** Washington Court House Police Department, Officer-Involved Critical Incident

**Case Number:** 2023-2598

**Investigative Request:**

The following summary serves as an overview of the criminal investigation of an Officer-Involved Critical Incident (OICI) that occurred on Sunday, October 1, 2023. Washington Court House Chief of Police Jeffrey Funari requested the Ohio Bureau of Criminal Investigation (BCI) conduct an independent investigation into the facts and circumstances surrounding the OICI. The incident occurred at 415 Gregg Street, Washington Court House, Ohio. The incident began when Washington Court House Police Officer Trevor Phillips (Officer Phillips) initiated a traffic stop on a vehicle in which the involved subject, Timothy D. West (West), was a passenger. As the vehicle stopped, West fled on foot, and the officer gave chase. During the final moments of the foot pursuit, West ran toward Officer Phillips. As a result, Officer Phillips discharged his Taser X26P energy weapon. During West's apprehension, it was discovered that he was unresponsive and not breathing. Life-saving efforts were attempted but were unsuccessful. West was ultimately pronounced deceased.

*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.*

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### Investigative Team:

BCI Special Agent Steven Seitzman was assigned as the lead Special Investigations Unit (SIU) case agent. BCI Special Agent Lauren Frazier was assigned as an assisting agent. BCI Special Agent Mathew Austin from the BCI Crime Scene Unit processed the scene and the involved officer, documenting, preserving, and collecting possible evidence. Special Agent Supervisor Will Jones supervised the investigation. Additionally, BCI Senior Special Agent Richard Ward assisted in the interview of the involved officer.

### Synopsis of Incident:

The following information is based on the statements of the involved law enforcement officers, body-worn and cruiser camera footage, West's postmortem examination, and dispatch and CAD information.

On Sunday, October 1, 2023 at approximately 1809 hours, Officer Phillips initiated a traffic stop on a gray Ford Mustang bearing Ohio registration KDB 8832. According to Officer Phillips, the traffic violations that formed the basis for the traffic stop were failure to use a turn signal, failure to stop behind a stop bar, speeding, and loud exhaust. Shortly after the vehicle stopped, the passenger, later identified as West, exited and ran away from the stop in a northeast direction. Officer Phillips unholstered his Taser X26P energy weapon and gave chase to West. As West was running, he threw a brown paper bag.

West ran to the southwest side of 415 Gregg Street. Officer Phillips reported that he briefly lost sight of West at that point. The area where West ran contained a concrete courtyard, with walls surrounding three sides. Since the area was not a cut-through, West turned around and ran back toward the direction of Officer Phillips. Officer Phillips regained sight of West as he was running toward him. Officer Phillips aimed his Taser X26P energy weapon at West. West ducked as he approached Officer Phillips, and Officer Phillips discharged his taser at approximately 18:10:35 hours. A review of Officer Phillips body-worn camera footage revealed that approximately 601 milliseconds elapsed from the time West reappeared on the camera frame and the time Officer Phillips' taser blast doors were seen separating from the taser cartridge [frames 2318 to 2336 at 29.97 fps]. The body camera footage also revealed that the foot pursuit lasted approximately 18.05 seconds [frames 1795 to 2336 at 29.97 fps].

When Officer Phillips deployed his taser, both probes struck West on the top of his head. West fell to the ground into a mulch bed. When West fell, he struck his head on a brick-like object that was embedded in the mulch. West was apparently unresponsive after falling to the ground. Officer Phillips handcuffed West and radioed that he had the subject detained. He rolled West on his left side, and West was still unresponsive. Officer Phillips then radioed for an ambulance to respond, which was approximately 1 minute and 33 seconds after he had discharged his taser [frames 2336 to 5134 at 29.97 fps in Officer Phillips' body-worn camera footage].

Washington Court House Police Officer Gavin Moore arrived at approximately 18:13:30. Officer Phillips told Officer Moore that he "accidentally got him in the head with the taser." He also told Officer Moore that West was unconscious and that he might have hit his head. Officer Moore examined West and discovered that he was not breathing. Officer Phillips then began chest compressions on West, approximately 3 minutes and 45 seconds after the taser event

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[frames 2336 to 9096 at 29.97 fps in Officer Phillips' body-worn camera footage], which was approximately 50.9 seconds after Officer Moore's arrival [frames 5154 to 6680 at 29.97 fps in Officer Moore's body-worn camera footage].

At approximately 18:17 hours, Fayette County EMS arrived and eventually took over patient care. Fayette County EMS personnel transported West to the Fayette Adena Hospital. West was released to the care of the hospital at approximately 1846 hours. West was ultimately pronounced deceased.

**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 and involved officers by the BCI Crime Scene Unit.
- Obtained a request for assistance letter from Washington Court House Chief of Police Jeffrey Funari.
- Neighborhood canvass of the area surrounding the scene.
- Interviews with medical personnel who responded to the scene.
- Obtained and reviewed postmortem examination (autopsy) and toxicology reports.
- Obtained and reviewed police reports of prior law enforcement contacts with the subject.
- Special agent attendance at the postmortem examination (autopsy) of the deceased.
- Recorded interview with Washington Court House Police Officer Trevor Phillips, who discharged his Taser X26P during the incident.
- Recorded interviews with two witnessing law enforcement officers, Sergeant Jeffery Heinz and Police Officer Gavin Moore.
- Obtained and reviewed open and closed-source biographical information on West, to include criminal history reports, OHLEG, driving records, and more.
- Collected and reviewed Washington Court House body-worn and cruiser camera footage.
- Collected and reviewed the departmental personnel file of Officer Trevor Phillips, including training, disciplinary records, prior use of force incidents, and firearms/taser qualification records.
- Collected and reviewed the Washington Court House Police Department use of force policy.
- Collected and reviewed Officer Phillips' taser data download.
- Collected and reviewed the Axon Taser X26P user manual.
- Collected and reviewed the Fayette County EMS run and incident reports.
- Collected and reviewed audio communications from the police radio channel utilized during the OICI.
- Collected and reviewed dispatch/CAD records pertaining to the OICI.
- Obtained and reviewed postmortem examination (autopsy) and toxicology reports.
- Obtained all other known and pertinent records or recordings.

#### **Investigative Interviews:**

As a part of this investigation, interviews were conducted with neighbors, the two Fayette County EMS employees who responded to the scene, and two Washington Court House police

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officers who were on-duty during the OICI. Jonathan Penn, the driver of the vehicle stopped by Officer Phillips, was also interviewed.

**Interview with Jonathan Penn:**

On October 1, 2023 at approximately 2152 hours, Jonathan Penn returned to the OICI scene and spoke with the BCI agents who were still present.

Penn stated that he has only known Timothy West for a couple weeks. He said that he met West through a mutual friend, Ashley, whom he knew from high school. He purportedly did not know Ashley's last name. On October 1, 2023, around noon, Penn received a message via Facebook from West asking if Penn could give him a ride to Bloomingburg for \$20 in gas. Penn said that he didn't see the message at that time, but later, around 1800 hours, he ran into West while he was at Walmart, and Penn agreed to give West a ride.

Penn stated that he was driving on North Street near Gregg Street when a police officer initiated a traffic stop behind them. West was a passenger in the vehicle at this time. Penn stated that West told him to get ready to run, and Penn said he wasn't going to. Penn turned onto Gregg Street and stopped his vehicle. Penn described that West jumped out of the car, took off running, and the police officer took off after him. Penn said that everything on West's lap scattered when he got up to run.

Penn remained in the vehicle and waited until an officer came to talk to him. Penn stated that he could not hear or see what happened but recognized that a life squad responded approximately 15 minutes after the traffic stop, and he figured something had happened. Officers searched the vehicle and collected West's property from the car.

After Penn was released from the scene, he said he contacted Ashley to get West's mom's information. Penn said that he sent a Facebook message to Lori Defisher, believed to be West's mother. Penn also said that he received a message from a mutual friend, Tabitha Everhart, who called and told him that West was deceased.

Penn said that the night before, around 0230 hours, he brought West a gas can at a nearby Frisch's. Penn also said that he has driven West around on at least one prior occasion. When he drove him, Penn said that he took West to several houses and a restaurant where West picked up money from different individuals. Agents requested copies of Penn's Facebook communication with West, but he claimed his phone was not working and that he would send the communication on a later date [which he never did].

**Involved Officer Interview:**

On Tuesday, October 10, 2023 at 1021 hours, BCI Special Agents Steven Seitzman and Richard Ward interviewed Officer Phillips at the Washington Court House Police Department. The interview took place in an administrative conference room. Officer Phillips was represented by Fraternal Order of Police General Counsel, Keith Washburn. The interview was audio-recorded.

Officer Phillips advised the BCI agents that he had reviewed his body-worn camera footage prior to the interview.

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Regarding the critical portion of the events on October 1, 2023, Officer Phillips advised the BCI agents of the following:

At approximately 1800 hours, he observed a vehicle commit several traffic violations, including speeding, failure to use a turn signal, loud exhaust, and failure to stop behind a stop bar. He initiated a traffic stop on North Street at Gregg Street. The vehicle continued on Gregg Street, and he described it as "slow rolling" as it came to a stop. Based on his experience, he said a vehicle that is slow to stop indicates to him that the occupants "might be trying to hide narcotics or some type of paraphernalia, or they're trying to think about what they're going to do next to try to, you know, plan against me."

Once the vehicle came to a stop, he observed the passenger turn and look back at him twice. He made it near the rear of the driver's side of the stopped vehicle, at which point the passenger, later identified as West, exited the vehicle and ran. He did not know the subject was West at the time of the chase. He described West as a "heavier-set male...240... 5'10... White male." He unholstered his Taser and gave chase.

West threw a bag in the air at the beginning of the chase. He initially ran through several front yards. West attempted to go through the backyard of a residence, at which point he lost sight of him. He described the area where West went as a concrete porch. He learned that the porch was not a cut-through, as it had only one entrance or exit from the outside. He said he continued in the direction he last saw West. He said, "As I turned around a corner, all I see is him charging at me. I feared for my safety, and I deployed my Taser."

SA Seitzman asked him to describe his observations of West as he was running toward him. He said, "He's coming towards me with closed fist, like charging at me." SA Seitzman asked him what was going through his head at that moment, to which he replied, "Well, I feared for my safety. I think this is a dude that is way bigger than me. I thought he was going to take me to the ground, so I deployed my Taser." He said he delivered one five-second cycle to West. He estimated that he was five or six feet away from West when he began to squeeze the taser trigger. SA Seitzman asked him about West's posture as he discharged his taser. He said, "He was charging at me, and I believe he saw that I had my Taser in my hand, and once I deployed it, he started ducking his head." He said he was aiming at West's center mass, specifically the chest area. While he was not aiming at West's head, he believed that was where his probes struck him.

After the taser discharge, he handcuffed West, at which point he realized West was unconscious. He called for an ambulance and attempted several times to put him in the "recovery position," rolling him on his left side. He was unable to keep West in that position. He recalled collecting money, a hat, and phones next to West. He also removed two knives from West. He estimated that approximately one minute later, Officer Gavin Moore arrived. Officer Moore noticed that West was not breathing, and they attempted life-saving measures by administering several rounds of chest compressions.

Officer Phillips said that he did not feel that he had any other less-lethal use of force options, such as joint manipulation or strikes, because he felt that he would have been knocked over if he had not taken the action that he did. SA Seitzman ended the interview by asking Officer Phillips what the desired effect of the taser was when he used it. He said he wanted to arrest



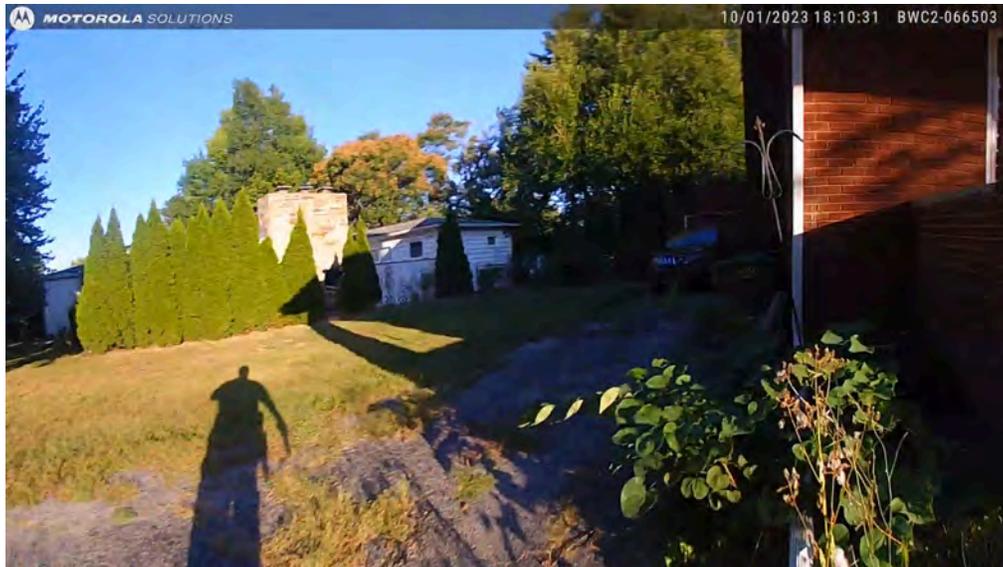


Officer Phillips' cruiser camera capturing West exiting the vehicle with objects in his hands.

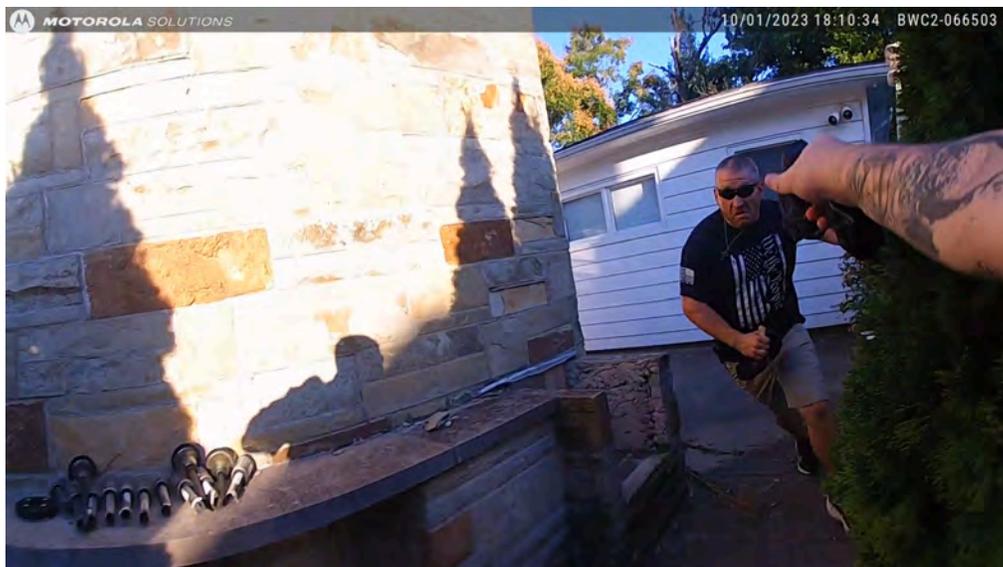


Officer Phillips' body-worn camera showing his position when West ran from the vehicle.

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Officer Phillips' body-worn camera at the point when West leaves the camera frame.



Officer Phillips' body-worn camera when West reappears.

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Officer Phillips' body-worn camera at the point the blast doors separated from the taser cartridge.

**Postmortem Examination and Report:**

On Sunday, December 3, 2023, Fayette County Coroner Dr. Lenora Fitton sent SA Seitzman the autopsy report and Coroner's Verdict via email.

SA Seitzman reviewed the reports and noted the following:

- [REDACTED]

The autopsy report was signed by forensic pathologists Dr. Bradley J. Lachey and Dr. Lee Lehman.

In a separate report, Dr. Fitton ruled the manner of death as accidental.

**BCI Laboratory Analysis:**

No items were submitted to the BCI Laboratory for analysis.

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**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.

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.