



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



2024-1376
Officer Involved Critical Incident - Interstate 77 Southbound
at Exit 85 , New Philadelphia, OH 44663

Investigative Activity: Interview of Involved Officer
Involves: Tuscarawas County Sheriff [REDACTED] (S)
Activity Date: 05/09/2024
Activity Location: FOP OLC Office - 2721 Manchester Road, Akron, Ohio
Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Thursday, May 9, 2024, at 0855 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy (Goudy), along with SA John Tingley (Tingley), conducted an interview with Tuscarawas County Sheriff's Office (TCSO) [REDACTED] [REDACTED]. [REDACTED] was accompanied by his attorney, Paul Siegfert (Siegferth), from the Fraternal Order of Police (FOP). The interview took place at the FOP office located at 2721 Manchester Road, Akron, Ohio. The interview was audio and video recorded.

[REDACTED] read, indicated he understood and signed the BCI Criminal Investigation Form, which is also attached to this report.

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

Preliminary and Demographic Information:

Name: [REDACTED]	Rank: [REDACTED]
Badge Number: [REDACTED]	Cruiser/Vehicle Number: [REDACTED]
Radio Call Sign: [REDACTED]	Immediate Supervisor: Lieutenant Stocker
Radio Channel Utilized: TCSO - Main Band	Mobile Data Terminal: Present & Utilized
Cruiser Description: Standard Buckeye State Sheriff's Association (BSSA)	Occupants of Cruiser and Seating Positions: 0

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markings - Black vehicle with gold sheriff star and sheriff markings	
Assignment: Central Zone - Patrol	Normal Shift: 6P-6A
In-Car Camera: Not Present	Spotlight: Present; Not utilized
Emergency Lights: Present & Utilized	Siren: Present; Not Used
Shift Day of Incident: 6P-6A	Duty Status: On-Duty
Days Off: Rotating (Long week - Wed and Thurs) & (Short week - Mon, Tue, Fri, Sat, Sun)	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: 6 to 7 hours	Consider Self Well Rested?: Yes
Total Length as Officer: 3.5 years	Length at Current Agency: 4.5 years (Worked first year in the jail)
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Standard BSSA Sheriff uniform - Grey pants with black stripe, sheriff patches, Sheriff star badge	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Belt: OC spray, Cuffs, Duty Weapon / Vest: No weapons worn on vest
Ballistic Vest: External Armor	Body Worn Camera: Present & Used
Other Recording Devices: None	Partner: None
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Crisis Intervention Training (CIT) - 9/21/2021	OPOTC Certification: Fall of 2019 / Buckeye Career Center Police Academy
Military Experience/Training: None	Use-of-Force Training: Yes / Annual updates
Prior Shooting Incidents: No	Prior Discipline or Use-of-Force Complaints: Did not ask
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: Did not ask	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: Did not ask
Alcohol in Past 24 Hours? Did not ask	Last Consumed Alcohol Prior to Incident: Did not ask

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Officer's Firearm(s):

Weapon #1

Make: Smith and Wesson 2.0	Model: M&P
Caliber/Gauge: 9 mm	Serial: [REDACTED]
Type: Semi-Auto Handgun	Method of Carry: Hip Holster
Magazine Capacity: 17	Total Rounds as Carried (including chamber): 18
Extra Magazines: 3	Number of Rounds in Extra Magazines: 17 in each magazine
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 8 remaining	Number of Rounds Fired: Cannot remember
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: March 20, 2024	Type of Holster, if any: Safari Land - 2 step (level 3)

Narrative:

On the day of the incident, [REDACTED] stated he was working his normal shift, which started at 6 o'clock PM, Thursday (May 2, 2024) and would have ended at 6 o'clock AM, Friday (May 3, 2024). SA Goudy asked [REDACTED] how he received the call to respond. He stated that the Ohio State Highway Patrol (OSHP) notified TCSO looking to see if they had any Deputy that was trained in Crisis Intervention. Upon receiving the request, [REDACTED] was dispatched to the disabled vehicle (DAV) call that OSHP was on. [REDACTED] did not receive any further information other than to respond to what he believed was just a traffic stop and to assist them with the driver of the vehicle.

[REDACTED] believed it was approximately 0230 or 0300 hours when he received the call to respond. When he arrived on scene, he spoke with an OSHP trooper who advised him of the situation. [REDACTED] stated that the OSHP trooper advised that, *"he's acting concerning, he's made statements of, um, self-harm to himself and he doesn't want to get out of the car. Um, basically, they weren't really getting anywhere with talking to him. So, I believe that's why they wanted basically another set, another voice to see if they could, if they could, if someone could get through to him"* (01:54 mark - video 2 of 2).

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██████████ did not recall how long OSHP troopers were talking to the driver prior to his arrival. ██████████ continued by saying that he knew it was for an extended period of time, in which he thought that was, "odd." When SA Goudy asked ██████████ what he meant by it being "odd," he stated, "*because when I get there, um, they're, UNINTELLIGIBLE, the way I took it was they were trying to get him out of the car, um, so it's kind of odd for him to be, somethings going on for him not to want to get out of the car for that extended period of time, um, and it just was kind of a concern to me*" (02:17 mark - video 2 of 2).

When ██████████ was asked about what he observed when he got closer to the driver of the vehicle, he stated, "*He was very cautious, um, we couldn't get very close to the truck or nothing like that. There were a lot of times he was rocking back and forth, um, he's almost like really, really paranoid* (03:20 mark - video 2 of 2). With the usage of the emergency lights from the various emergency vehicles on scene, it created shadows from everyone walking around, which ██████████ stated made the driver continuously look around. Furthermore, ██████████ stated the driver appeared to be "very anxious" and "*continuously rocking back and forth.*" During this time, ██████████ continued to try and talk with the driver. ██████████ stated that the male was not conversing with him. As ██████████ would get closer to the vehicle, the male would say, "*step back.*" ██████████ stated that most of the time, they were approximately two to three feet away from the truck.

As ██████████ made several attempts to speak with the male, he stated, "*you could tell there's something going on.*" ██████████ further stated, "*He's being nervous like he thinks something's going or someone's, someone's just watching him, um, because he keeps looking around.*" (05:18 mark of video 2 of 2). In an attempt to alleviate the situation and to gain a rapport with the male, the additional OSHP Troopers were told to leave the scene, in an attempt to ease the male's fears. After several attempts to gain compliance, OSHP troopers were able to contact the male's relative for him to speak with. The male became more emotional while speaking with his relative. ██████████ stated that the family member was trying to have the male step out of the truck and to comply.

After several more attempts and no compliance from the male, ██████████ stated that due to how much time had passed, they must act. ██████████ stated he became sterner with the male to exit the vehicle. At this point, the male opened the door, but did not exit. When ██████████ moved closer to grab his arm in an attempt to ease him out, he stated, "*when I did grab ahold of him, his right arm went directly behind him, which, I would say, that scared the crap out of me, um, so I had let go because that clearly did not help us.*" (13:45 mark of video 2 of 2). After ██████████

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██████████ observed the male's hand go behind him, he stepped back and tried to look through the rear window with his flashlight to see what his right arm was doing. ██████████ was not able to see what his hands were doing.

After an OSHP trooper went onto the passenger side of the truck, ██████████ stated he was able to see the male's arm fidgeting. ██████████ demonstrated this by showing his right arm reaching towards the right rear of his buttocks. ██████████ was not able to see his hands, but observed the male's arm fidgeting as if he was attempting to reach for something. At this point, ██████████ stated that he did not have his firearm out yet and that he was still trying to communicate with the male driver. At this point, ██████████ stated when the OSHP trooper on the passenger side of the truck observed the gun in the male's hand, he then stepped back and drew his duty weapon. At this point, ██████████ stated he was still close to the truck. ██████████ stated, *"I still could not see his hand, um, when I started to step back that's when I seen his arm, his right arm coming up and with him confirming that he had the firearm in his hand and the trooper standing at the driver side, I was in fear that he was going to end up shooting one of them and then that's when I did fire my service weapon at him as I was trying to retreat back with not knowing where everyone was at."* (15:40 mark of video 2 of 2).

██████████ stated after everyone went back towards cover, they reassessed the situation and began to move up towards the truck. As they approached the truck, ██████████ stated, *"he did still have the handgun in his right hand."* (16:20 mark video 2 of 2). After they approached the male inside the truck, ██████████ stated they yelled for the male to, *"not to move the gun, not to move the gun."* (16:29 mark of video 2 of 2). Shortly thereafter, ██████████ re-holstered and assisted another deputy by pulling the male out of the truck. After the male was removed from the truck, ██████████ stated he removed the male's shirt to assess his wounds until EMS walked up to assist.

When SA Goudy asked ██████████ if the male made any comments related to him having a firearm; ██████████ stated, *"I did ask the trooper if he had any fire... if they asked if he had any firearms, um, and the trooper told me that his response was you guys are safe. Odd response, yes."* (23:04 mark of video 2 of 2). ██████████ stated he could not recall the male's response when he asked if there were any weapons inside the vehicle early on. ██████████ also stated that he does not recall if the male fired his handgun. Just before the male was secured, another TCSO deputy removed the handgun from the male's hand and rendered it safe by separating the gun from the male. ██████████ stated that he believed it was Deputy Fender who removed the gun from the male.

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The interview concluded at approximately 0944 hours.

The interview was audio and video recorded. The audio recording was attached to this report. The video was stored in the BCI Case File as, "Ref Item D: Video Interview of TCSO [REDACTED]" The signed BCI Criminal Investigation Notification form is also attached to this report. Please see the attachments and/or references for further details.

References:

Ref Item D: Video Interview of TCSO [REDACTED]

Attachments:

1. Criminal Investigation Notification Form
2. Audio Interview of TCSO [REDACTED]

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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

5-9-24
 Date / Time



SA Joe Goudy #83
 BCI Agent (Printed)


 BCI Agent (Signature)