



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



2022-1354

Officer Involved Critical Incident – 135 Old National Rd, Lore City
(L)

Investigative Activity: Interview with Officer
Involves: Sergeant [REDACTED] (S)
Date of Activity: 07/01/2022
Activity Location: Guernsey County Sheriff's Office – Business – 601 Southgate Parkway, Cambridge, OH 43725, Guernsey County
Author: SA James Poole

Narrative:

On Tuesday, July 1, 2022, at 1149 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents James Poole (SA Poole) and Jim Mulford (SA Mulford) interviewed Guernsey County Sergeant [REDACTED] (Sergeant [REDACTED]). The interview took place at the Guernsey County Sheriff's office at 601 Southgate Pkwy., Cambridge, Ohio. Sergeant [REDACTED] was identified as being a police officer who responded to a vehicle barricade situation which involved the now deceased Joy Graham (Graham). The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

This interview was audio recorded, and a copy of the recording was saved electronically within the case file. Please refer to the recording for specific quotes. The following is a summation of the interview.

Prior to beginning the interview, SA Poole provided Sergeant [REDACTED] with a BCI "Criminal Investigation Notification" form. SA Poole advised BCI was conducting a criminal investigation separate from any internal investigation that GCSO may be conducting. Sergeant [REDACTED] was told his interview was voluntary and he could stop answering questions at any time. Sergeant [REDACTED] verbally confirmed he understood the contents of the form and signed the document further acknowledging his understanding. A copy of the signed Criminal Investigation Notification (CIN) is attached to this report.

Attorney Robert Stauter provided SA Poole with a written statement Sergeant [REDACTED] regarding the OICI. SA Poole reviewed the statement upon receipt. Sergeant [REDACTED] signed his statement provided to BCI, and verified the statement was a true and accurate depiction of the OICI. Please refer to Sergeant [REDACTED]'s statement for further details. A copy of the signed written statement was saved within the case file and is attached to this report.

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Sergeant ██████ stated, "On June 24, 2022, Dispatch notified me of a vehicle pursuit that was entering Guernsey County from Belmont County. Dispatch said the driver of the vehicle, later identified as Joy Graham, was wanted on a felony warrant for assault. Dispatch said the vehicle pursuit had continued onto Cadiz Road and was headed west. I joined in the vehicle pursuit at this time. Her vehicle continued south and made it to Old National Road in the village of Old Washington, Ohio. Her vehicle then made another left-hand turn onto Wintergreen Road and came to a stop. I exited my cruiser and used a Barnesville Police Department cruiser for cover. An Officer from Barnesville Police Department started giving verbal commands for Ms. Graham to exit the vehicle. I continued to communicate with her by calling her Joy, but she still refused to exit the car. I also learned that her warrant was for Assault on a Peace Officer."

"It was decided that tear gas would not be used due to the potential contamination, as not everyone was equipped with a gas mask. Instead, we decided that Officer Smith would deploy his K9. Officer Smith gave verbal commands to Ms. Graham for her to exit her vehicle but she remained in her vehicle. Officer Smith deployed his K9 but the female had rolled the driver's side window up. When Officer Smith was approaching the window, he yelled "she has a gun" and began retreating."

"Sheriff Paden arrived on scene at this time. He started speaking with Ms. Graham but she still refused to put the gun down and exit her vehicle. Ms. Graham still refused to put the gun down and exit the vehicle. Sheriff Paden had Dispatch activate the Guernsey County Special Response Team ("SRT")."

"Once other members from the SRT arrived, a less than lethal plan was made to extract Ms. Graham from her vehicle. Deputy Gunnar Daymut was to use a ballistic shield for cover and break the front passenger-side window. I would then deploy a distraction device on to the passenger-side floorboard. Sergeant ██████ would next deploy a taser to incapacitate Ms. Graham so she could be removed from the vehicle. Major ██████ would hold lethal cover."

"The four of us approached the passenger side of Ms. Graham's vehicle. Deputy Daymut broke the front passenger-side window and I deployed the distraction device. Sergeant ██████ deployed the Taser. When I looked back towards Sergeant ██████ I did not see an opening for me to get into the vehicle so I immediately went around the back of Ms. Graham's vehicle to the driver's side front door. As I was moving to the driver's side, I could hear verbal commands being given for Ms. Graham to drop the gun. I also heard a loud (pop)."

"When I got to the driver's side, I noticed that Ms. Graham had rolled the window up. I reached for the door handle and that was when I saw a small black handgun pointing in my direction. I immediately fired two rounds from my Glock 17 Gen 5 handgun, aiming at her center mass. The backdrop at the time I fired the rounds was a sloping hill. When I fired my rounds, the weather was warm and clear and there was light from cruisers, and streetlights in the area."

"I then moved around the back of Ms. Graham's vehicle to the passenger side. I could hear verbal commands still being given to Ms. Graham to drop the gun. I could see her head area from where I was and heard a gunshot. When I heard the gunshot, I saw something spark around the area of her head."

"I went back to the driver's side and observed Ms. Graham slumped over with a lot of blood running out of the area of her mouth. Someone used a ballistic shield to bust the window out. I attempted to unlock the door and while doing so, I heard someone say, "her finger is still on the trigger." I stepped back at this time so someone else could try to unlock the door."

SA Poole asked if Sergeant [REDACTED] was ever in fear of his life. Sergeant [REDACTED] stated, "Yes, when she had the gun pointed at me."

SA Poole asked if Sergeant [REDACTED] believed Graham was going to shoot him or any of the other officers. Sergeant [REDACTED] said, "Yes and yes."

SA Poole asked Sergeant [REDACTED] if he believed his actions and the other officer's actions around him were within policy and procedure. Sergeant [REDACTED] said, "Yes and yes."

SA Mulford asked during the time before Sergeant [REDACTED] shot, did he believe there was any other options. Sergeant [REDACTED] said, "No."

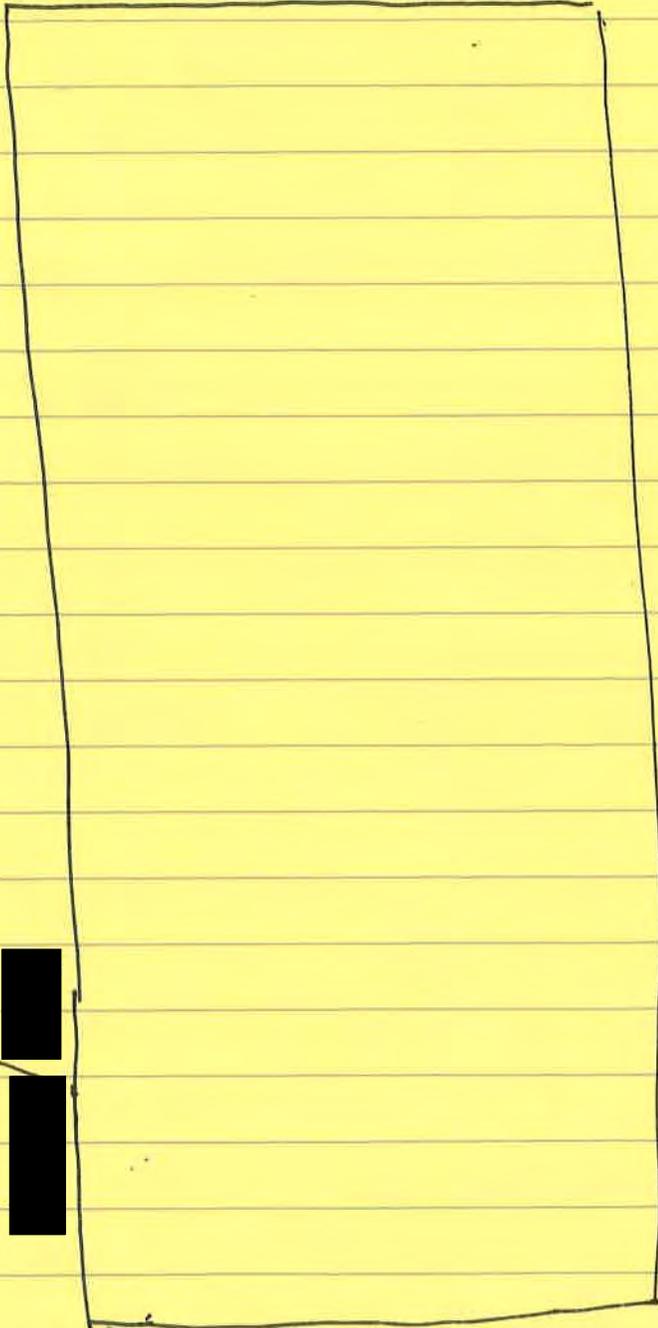
The interview was concluded at 1209 hours.

Attachments:

Attachment # 01: Sergeant [REDACTED] 7.1.22

Attachment # 02: Statement Drawling Signed

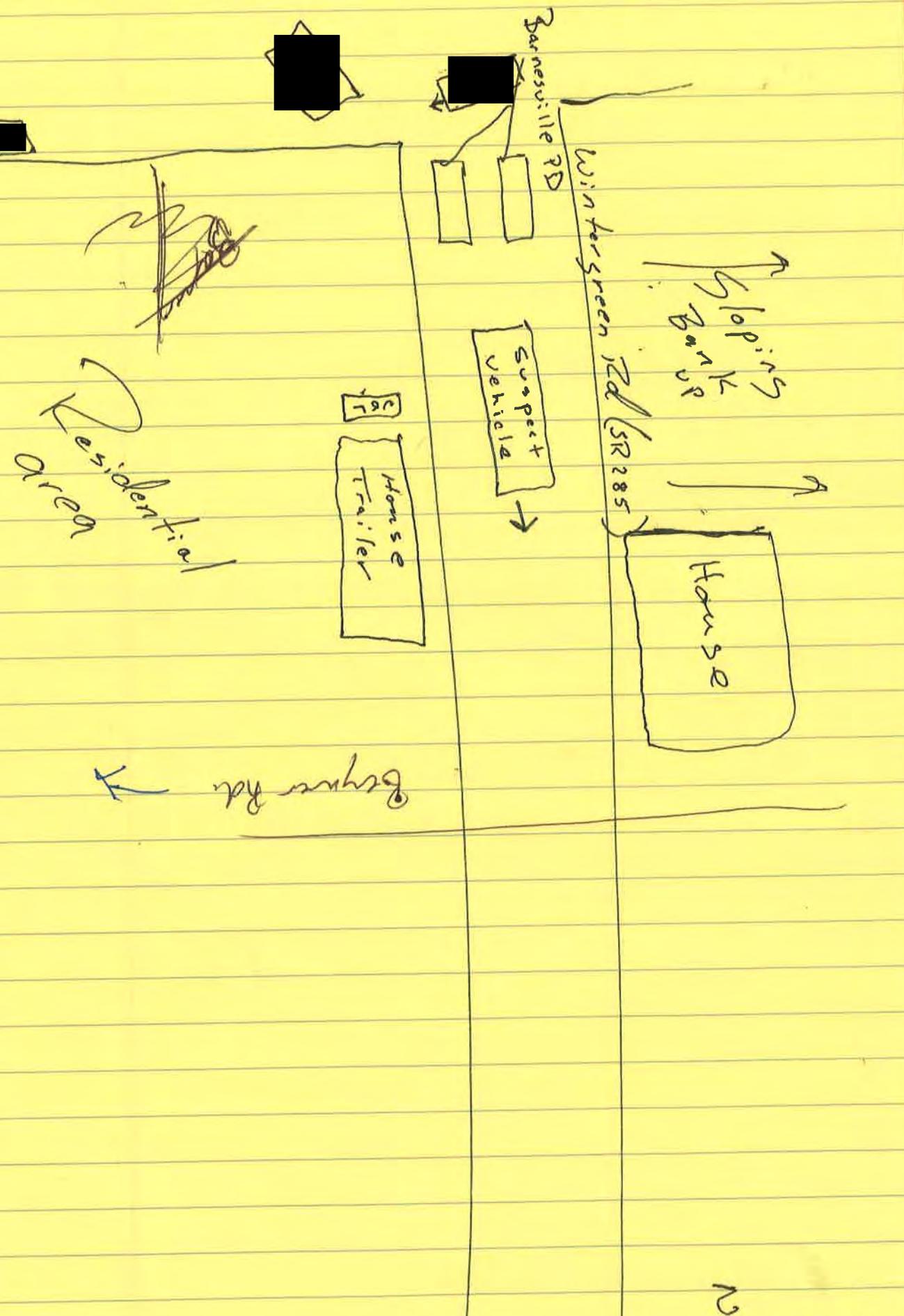
Attachment # 03: Sergeant [REDACTED] Statement and CIN Signed



Passenger

Driver's side







**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).

Pri [REDACTED]

07/01/2022 11:52 AM
Date / Time

[REDACTED]

SA James Kelly
BCI Agent (Printed)

SA [Signature]
BCI Agent (Signature)

Statement of Sergeant [REDACTED] Guernsey County Sheriff's Office,
Regarding Incident of June 24, 2022

Background

I began full-time employment with the Guernsey County Sheriff's Office ("GCSO") as a Deputy Sheriff on September 21, 2015. I was promoted to Sergeant in April 2022. I completed my basic peace officer training at the Eastern Ohio Law Enforcement Training Center in January 2005. Prior to my full-time employment with the GCSO as a Deputy Sheriff, I served as an Auxiliary Deputy for the GCSO from 2005 until 2013; a Correction Officer for the GCSO from 2010 until 2011; and as a part-time Patrol Officer for the Byesville Police Department from 2013 until 2015.

At the GCSO, I serve as an Instructor on Chemical Agents, Less Lethal Force, and Distraction Devices.

I am a graduate of Buckeye Trail High School, Old Washington, Ohio graduating in 1998.

My current supervisor at the GCSO is Lt. Kevin Stoney. My regularly assigned work hours are from 3:00 PM until 11:00 PM. I am off Saturday and Sunday; I work Monday through Friday.

I do not wear prescription glasses, contacts or a hearing aid. I take no prescriptions medications that would impair my ability to do my work. I was not under the influence of alcohol or any drug, prescription or otherwise, on the date of the incident.

I have received no discipline during my employment with the GCSO.

Prior to the incident on June 24, 2022, there was no instance when I had used lethal force in my current employment with the GCSO or in prior law enforcement employment. There have been a few times during my law enforcement career in which I used less than lethal force. All such uses of force were documented and I have never received any discipline relative to my use of less than lethal force.

I am familiar with the GCSO's use of force policy, as I am trained on the policy on a yearly-basis. I was trained on these policies in early 2022 by my supervisor, Lt. Kevin Stoney. I personally reviewed these policies in approximately early 2022.

My duty weapon is a Glock 17 Gen 5 handgun, which is issued by the Sheriff's Office. I last qualified for the weapon in January of 2022. My back-up weapon is a Colt M16a1 rifle which is also issued by the Sheriff's Office. I qualified for that weapon in January of 2022.

On the date of the incident, I was dressed in my agency-approved road patrol uniform. On my duty belt, I carried the following items (clockwise): glove pouch, Glock 17 Gen 5 duty weapon, handcuffs, glove pouch, flashlight, ring, Narcan, keys, tourniquet. On my outer vest, I carried the following items, from left to right: body camera, handgun magazines, flashlight.

On the day of incident, June 24, 2022, the weapon I used in the incident was the Glock 17 Gen 5 handgun. I had one (1) magazine of seventeen (17) rounds in the handgun, with two additional seventeen (17) round magazines on my outer vest.

On Thursday, June 23, 2022, I partook in SRT training from 7:00 AM until 3:00 PM. On Friday, June 24, 2022, I started my normal shift at 3:00 PM and had engaged in routine patrol prior to the incident. I was well-rested at the time of the incident on Friday, June 24, 2022, as I

had slept approximately eight (8) hours Thursday night into Friday morning and took a one (1) hour nap prior to the start of my 3:00 PM shift on Friday.

On June 24, 2022, I was wearing a body camera issued to me by the GCSO. I was not carrying any personal recording device. My cruiser, Unit # [REDACTED] (Car Number [REDACTED]), did have in-dash video and it was working (audio and video) during the incident. My call-in number is [REDACTED]

Incident Narrative

On June 24, 2022, Dispatch notified me of a vehicle pursuit that was entering Guernsey County from Belmont County. Dispatch said the driver of the vehicle, later identified as Joy Graham, was wanted on a felony warrant for assault. Dispatch said the vehicle pursuit had continued onto Cadiz Road and was headed west.

I responded by heading east on Cadiz Road and planned to get in position to deploy stop sticks. I advised dispatch to contact Major [REDACTED] and make him aware of the incident. I was unable to hear any radio traffic and learned that it was Barnesville Police in the vehicle pursuit. Dispatch was able to give an updated location of the vehicle pursuit. It was still westbound and was passing Jasper Road. Once I was on the eastside of Winterset, still on Cadiz Road, I observed the overhead emergency lights on the vehicles in the pursuit. I pulled off to the side of the road and retrieved the stop sticks from the cargo area of my cruiser. I attempted to deploy the stop sticks but was unsuccessful.

I joined in the vehicle pursuit at this time. The vehicle pursuit continued west on Cadiz Road at a speed of 60 mph. A trooper from the Ohio State Highway Patrol deployed stop sticks in the area of Lake Ridge Road. Ms. Graham's vehicle ran over the stop sticks and continued west on Cadiz Road. Her vehicle began smoking as the tires were deflating. Her vehicle made a

left turn and continued south on Beeham Run Road. While on Beeham Run Road, the speed of the pursuit was approximately 30 mph. Ms. Graham's vehicle started leaking some kind of fluid and parts of the vehicle were coming off. Her vehicle continued south and made it to Old National Road in the village of Old Washington, Ohio. Her vehicle then made another left-hand turn onto Wintergreen Road and came to a stop.

I exited my cruiser and used a Barnesville Police Department cruiser for cover. An Officer from Barnesville Police Department started giving verbal commands for Ms. Graham to exit the vehicle. Ms. Graham was in the driver's seat and had her window down. I noticed that she was very upset with the Barnesville Officer so I started giving her verbal commands to exit the vehicle. At this time, I asked for her name and someone said it was "Joy." I continued to communicate with her by calling her Joy, but she still refused to exit the car. I also learned that her warrant was for Assault on a Peace Officer.

Thereafter, Officer Zach Smith, a Cambridge Police Department K9 handler, arrived on scene. I had started to make a plan to deploy tear gas through the back window of the vehicle by using a 40mm launcher. It was decided that tear gas would not be used due to the potential contamination, as not everyone was equipped with a gas mask. Instead, we decided that Officer Smith would deploy his K9.

Officer Smith gave verbal commands to Ms. Graham for her to exit her vehicle but she remained in her vehicle. Officer Smith deployed his K9 but the female had rolled the driver's side window up. When Officer Smith was approaching the window, he yelled "she has a gun" and began retreating.

Sheriff Paden arrived on scene at this time. He started speaking with Ms. Graham but she still refused to put the gun down and exit her vehicle. She was on her cellphone and advised us

that she called for a tow truck to come get her vehicle. We then learned that the Ohio State Highway Patrol had located her phone number. I believe someone from Ohio State Highway Patrol began speaking with her on her cell phone.

Ms. Graham still refused to put the gun down and exit the vehicle. Sheriff Paden had Dispatch activate the Guernsey County Special Response Team (“SRT”). I am a member of the SRT. Major [REDACTED] was first to arrive and I spoke with him. Once other members from the SRT arrived, a less than lethal plan was made to extract Ms. Graham from her vehicle. Deputy Gunnar Daymut was to use a ballistic shield for cover and break the front passenger-side window. I would then deploy a distraction device on to the passenger-side floorboard. Sergeant [REDACTED] would next deploy a taser to incapacitate Ms. Graham so she could be removed from the vehicle. Major [REDACTED] would hold lethal cover.

The four of us approached the passenger side of Ms. Graham’s vehicle. Deputy Daymut broke the front passenger-side window and I deployed the distraction device. Sergeant [REDACTED] deployed the Taser. When I looked back towards Sergeant [REDACTED], I did not see an opening for me to get into the vehicle so I immediately went around the back of Ms. Graham’s vehicle to the driver’s side front door. As I was moving to the driver’s side, I could hear verbal commands being given for Ms. Graham to drop the gun. I also heard a loud “pop.”

When I got to the driver’s side, I noticed that Ms. Graham had rolled the window up. I reached for the door handle and that was when I saw a small black handgun pointing in my direction. I immediately fired two rounds from my Glock 17 Gen 5 handgun, aiming at her center mass. The backdrop at the time I fired the rounds was a sloping hill. When I fired my rounds, the weather was warm and clear and there was light from cruisers, and streetlights in the area.

I then moved around the back of Ms. Graham's vehicle to the passenger side. I could hear verbal commands still being given to Ms. Graham to drop the gun. I could see her head area from where I was and heard a gunshot. When I heard the gunshot, I saw something spark around the area of her head.

I went back to the driver's side and observed Ms. Graham slumped over with a lot of blood running out of the area of her mouth. Someone used a ballistic shield to bust the window out. I attempted to unlock the door and while doing so, I heard someone say, "her finger is still on the trigger." I stepped back at this time so someone else could try to unlock the door. I then observed Major [REDACTED] being checked as if he had been shot. I went over to his location and learned that he was not injured.

I remained away from the vehicle at this time. Ms. Graham had been removed from the vehicle by someone and paramedics transported her to the hospital. I re-holstered my firearm and later gave it to BCI at the GCSO. Next, I went to Southeastern Ohio Regional Medical Center for a post incident drug test with Major [REDACTED]. I was then released and went home.

I used lethal force in this incident by discharging my handgun because I do not believe there was any less than lethal force that I could have used to stop the immediate threat Ms. Graham, by pointing her pistol at me, posed to me and other officers involved in the incident, including Major [REDACTED], Sheriff Paden, Deputy Daymut and Sergeant [REDACTED]. My action in firing my handgun, as described above, was consistent with my training and experience as a law enforcement officer.

I did not have any prior law enforcement contact with Ms. Graham before this incident.

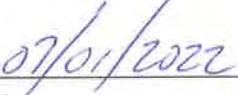
My statement is made from the best of my recollection as to the incident on June 24, 2022. On June 28, 2022, I viewed the body cam footage of myself and Deputy Gunnar Daymut.

My viewing of these videos has not changed my recollection of the events, as expressed in this statement.

I wish to cooperate with this investigation and am prepared to answer any questions which you might have.

Respectfully Submitted,


Sergeant 


Date