



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



Investigative Activity: Case Closing
Involves: Richard Jean Poulin (S)
Date of Activity: 08/03/2022
Activity Location: Ohio Bureau of Criminal Investigation – 1560 SR-56 SW, London, OH 43140, Madison County
Author: SA Steven Seitzman

To: Senior Assistant Attorney General Anthony Pierson, Ohio Attorney General's Office

CC: Special Agent Supervisor Will Jones, Ohio Bureau of Criminal Investigation

From: Special Agent Steven Seitzman, Ohio Bureau of Criminal Investigation

Date: August 3, 2022

Case Title: Highland County Sheriff's Office Sergeant Jonathan Dustin Malone

Case Number: 2022-1527

Investigative Request:

The prosecutor's summary that follows provides an overview of the criminal investigation into an Officer-Involved Critical Incident (OICI) that occurred on the road in front of 5760 US-62 in Liberty Township, Highland County, Ohio (Hillsboro Church of God). The incident began as a vehicle pursuit. At the conclusion of the pursuit, Highland County Sheriff's Office Sergeant Jonathan Dustin Malone (Sgt. Malone) attempted to breach the driver's window of the involved vehicle and in the process discharged a single round from his department-issued handgun. The round fired by Sgt. Malone struck and fatally wounded the sole vehicle occupant, Richard Jean Poulin. The investigation was conducted by the Ohio Bureau of Criminal Investigation (BCI) at the request of Highland County Sheriff Donald Barerra.

Preface

This report only summarizes the investigative activity and information gathered by BCI. Every fact, detail, and full summary of all interviews is not 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 statements given

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regarding the incident.

Investigative Team:

BCI Special Agent Steven Seitzman (SA Seitzman) was assigned as the lead Special Investigations Unit (SIU) case agent. BCI Special Agent Kenneth Smith (SA Smith) was assigned as an assisting agent. BCI Special Agent Richard Ward (SA Ward) of SIU assisted in subsequent witness interviews. BCI Special Agents Chad Holcomb (SA Holcomb) and Kevin Wagner (SA Wagner) from the Crime Scene Unit processed the scene of the incident, documenting, preserving, and collecting possible evidence. The investigation was supervised by Special Agent Supervisor Will Jones. 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, statements of witnesses, and dispatch/CAD information.

On July 17, 2022, at 0041 hours, Sgt. Malone attempted a traffic stop on a 2003 Ford F-250, bearing Ohio registration FZQ1756, for a stop sign violation. The sole vehicle occupant, Richard Jean Poulin (Poulin), fled from Sgt. Malone and other Highland County Sheriff's Office deputies and Hillsboro police officers, who later joined the pursuit. Poulin committed numerous traffic violations during the pursuit, such as a red light violation, speeding, and marked lane violations. Highland County Sheriff's Office deputies and Hillsboro police officers deployed tire deflation devices along the pursuit route, which were successful in deflating the tires on Poulin's pick-up truck. Poulin's pick-up truck eventually came to a stop at 0054 hours, in front of the Hillsboro Church of God, 5760 US-62, Liberty Township, Highland County. At approximately 0056 hours, Poulin made one last attempt to flee; however, his vehicle only moved a few feet and became apparently disabled. Sgt. Malone, along with Highland County Sheriff's Office Deputies Steven Alexander (Deputy Alexander), Dylan Quenneville (Deputy Quenneville), and Sarah McKenzie (Deputy McKenzie), subsequently approached Poulin's pick-up truck. At approximately 0057 hours, Sgt. Malone attempted to break out the driver's window, and during the process, he discharged his department-issued service pistol, firing a single shot. Poulin was fatally wounded and was pronounced deceased by medics at approximately 0112 hours.

Summary of Investigative Process:

The following is a partial list of investigative activities or methods that were employed during the course of this investigation by the investigative team.

- Processing of the scene and involved vehicle(s) by the BCI Crime Scene Unit.
- Autopsy completed by the Montgomery County Coroner's Office, attended by BCI SA Seitzman and SA Smith.
- Obtained a written letter of request for assistance from Highland County Sheriff Donald Barerra.
- Recorded interview with Sgt. Malone, who discharged his weapon.
- Recorded interviews of three Highland County Sheriff's Office deputies who were

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- present during the OICI.
- Neighborhood canvass of the area surrounding the scene.
- Interviews of two civilian witnesses.
- Interview of a family member of the decedent.
- Obtained and reviewed open and closed-source biographical information on Poulin, to include criminal history reports, OHLEG, driving records, and more.
- Review of all available body-worn cameras, which were all activated by mutual aid agencies after the OICI.
- Review of surveillance footage of the pursuit.
- Reviewed Highland County Sheriff's Office records, photographs, and investigative materials pertaining to the OICI, excluding any potential Garrity-derived statements or information.
- BCI Firearm Laboratory examination, which included:
 - Firearm operability testing.
 - Firearm identification testing on the involved firearm, casings, and bullets.
- Collected and reviewed the departmental personnel file of Sgt. Malone, which included training, disciplinary records, and firearms qualification records.
- Collected and reviewed Highland County Sheriff's Office Use of Force policy.
- Collected and reviewed EMS records.
- Collected and reviewed audio communications from the police radio channel utilized during the pursuit and subsequent OICI.
- Collected and reviewed dispatch/CAD records pertaining to the OICI.
- Obtained all other known and pertinent records or recordings.

Investigative Interviews:

Jesse J. Morgan (Mr. Morgan) and Macy Lean Ferro (Ms. Ferro) were interviewed as a part of this investigation. Ms. Ferro was identified as a witness after speaking to the news media. She stated that she and her fiancé, Mr. Morgan, reside at a residence near the Hillsboro Church of God. They both heard sirens and police activity, so they looked out of their bedroom window. They both heard a single gunshot, but they did not see who fired the shot. They saw law enforcement officers attempt life-saving measures on Poulin. They said they did not know Poulin or Sgt. Malone.

Witnessing Deputy Interviews:

On July 21, 2022, at 1710 hours, BCI SA Seitzman, SA Smith, and SA Ward interviewed Deputy Alexander, Deputy McKenzie, and Deputy Quenneville regarding their involvement in the OICI. The interviews took place at the Highland County Sheriff's Office. They were represented by Fraternal Order of Police Senior Staff Representative Barry Gray.

With respect to the critical portion of the incident, the deputies provided BCI agents with the following information:

Deputy Alexander advised BCI agents that he recalled Sgt. Malone coming around the front of Poulin's vehicle to join him. He looked down in an attempt to find his magazine, which had ejected from his gun when he tried to shatter the window. He remembered Sgt. Malone striking the window with his ASP collapsible baton. He also observed that Sgt. Malone had his firearm

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in his hand. He was uncertain in which hand Sgt. Malone had the ASP collapsible baton and which hand he had the firearm. He saw that the ASP collapsible baton "cut through like butter." As Deputy Alexander was standing back up, he saw Sgt. Malone strike the window a second time and heard a "pop." He saw glass flying back at Sgt. Malone, but he did not know what happened. He did not see a muzzle flash. He said the glass was "spider webbed," so he knocked out some of the glass near the bottom right corner of the window.

Deputy Alexander opened the driver's door and observed blood on Poulin's left sleeve. Poulin was not saying anything and was leaning to his right. He noticed Poulin had been shot and said aloud, "He's shot." Sgt. Malone replied, "I don't know what happened. I didn't pull the trigger." He observed what appeared to be a bullet wound on the left side of Poulin's neck.

Deputy McKenzie said she followed behind Sgt. Malone as he went around the front of the vehicle. She saw Sgt. Malone strike the window with his ASP collapsible baton. She heard the glass break and then heard a "pop," which she recognized as a gunshot. She did not know where the gunshot came from. She saw Poulin leaning over toward the passenger seat. She then looked at Sgt. Malone, who had a "look of panic on his face." It was then she knew the gunshot came from Sgt. Malone's gun.

Deputy Quenneville said he saw Sgt. Malone strike the driver's window with an ASP collapsible baton. He then heard a gunshot and retreated back toward the tailgate of Poulin's truck. He heard Sgt. Malone say something to the effect of, "I did not pull the trigger. I don't know how the gun went off." Deputy Quenneville and Deputy Alexander removed Poulin from the vehicle. Deputy Quenneville remembered seeing a gunshot wound on the left side of Poulin's neck.

Involved Officer Interview:

On July 26, 2022, at 1210 hours, BCI SA Seitzman and SA Ward interviewed Sgt. Malone at his attorney's office, located at 4660 Duke Drive, Suite 101, Mason, Ohio (Engel & Martin, LLC). Sgt. Malone's Fraternal Order of Police attorneys, Joshua Engel (Mr. Engel) and Mary Martin, were present for the interview. Several days prior to the interview, Mr. Engel emailed SA Seitzman a copy of Sgt. Malone's written statement.

Regarding the critical portion of the incident, Sgt. Malone wrote:

"I approached the driver's side of the vehicle. The driver's side window was up and tinted. I struck the driver's side window with my baton. My first strike went through the window.

I struck the window again. The window shattered. At that moment, my firearm accidentally discharged. The suspect was struck in the neck. I requested assistance over the radio. I handed my trauma kit to Deputy McKenzie who helped administer first aid."

The following information was elicited during the interview of Sgt. Malone:

Sgt. Malone said he had carried the involved Sig Sauer P320 for at least a year and a half. He said he received at least two hours of training when the department switched to the Sig Sauer P320, which included training with the department-issued Safariland holster. He reported that he did not have any known issues or problems with his weapon. He said he had removed it

from the holster numerous times without incident.

SA Seitzman asked Sgt. Malone if he knew how his gun discharged. Sgt. Malone said he did not know. SA Ward asked if he knew whether his finger was on the trigger. Sgt. Malone said he was not certain. SA Ward asked if the gun ever came into contact with the window. Sgt. Malone said he was not certain. SA Ward asked Sgt. Malone if he intended to shoot Poulin. Sgt. Malone began to cry and said, "absolutely not." Sgt. Malone said he did not see anything, such as a threat, that would have caused him to discharge his weapon.

BCI Firearms Laboratory Reports:

On August 2, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent Steven Seitzman (SA Seitzman) received the BCI Firearms Laboratory Report.

SA Seitzman reviewed the report and noted the following:

- Highland County Sheriff's Office Sergeant Jonathan Dustin Malone's (Sgt. Malone) department-issued Sig Sauer P320 was found to be operable. The examiner reported no visible damage to the external surfaces or internal components of the firearm.
- Sgt. Malone's Sig Sauer P320 was identified as the source of the fired 9mm Luger cartridge case located at the scene of the Officer-Involved Critical Incident.
- Sgt. Malone's Sig Sauer P320 was identified as the source of the fired bullet recovered during the autopsy of victim Richard Jean Poulin.

Post-Mortem Examination/ Autopsy:

As of the time of this summary, the Highland County Coroner has not completed the autopsy report.

The autopsy was attended by BCI SA Seitzman and SA Smith. Bryan Casto, M.D., conducted the autopsy. [REDACTED]

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 offer investigative assistance to any newly identified witnesses or information relative to this criminal investigation. It appears that BCI's investigation into this OICI shall be concluded, unless such new information or witnesses are identified through the Grand Jury or other processes.

As always, we remain available for consultation and look forward to your assessment of this investigation and your decision as to any additional efforts, processes, or further assistance or involvement you might determine to be necessary.

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End of Summary.

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