



**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: Ohio State Highway Patrol [REDACTED] (S)
Activity Date: 05/20/2024
Activity Location: 2454 East High Avenue, New Philadelphia, Ohio 44663
(Post 79)
Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Monday, May 20, 2024, at 1210 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy (Goudy) and SA Charlie Snyder (Snyder) interviewed Ohio State Highway Patrol (OSHP) [REDACTED], who was accompanied by his attorney, Nicole Wannemacher, from the OSHP Troopers Association. The interview took place at 2454 East High Avenue, New Philadelphia, Ohio (OSHP Post 79). The interview was audio recorded.

[REDACTED] read, understood, and signed the BCI Criminal Investigation Notification form.

During the interview, agents utilized tactics designed to illicit truthful responses and to test the veracity of information provided. As many of the details of the investigation into the incident were publicly available, it was necessary to utilize alternative tactics (beyond the typical methodology of retaining confidential "holdout" information regarding the incident and then comparing/contrasting witness statements with information that could only be known by those with actual knowledge of the incident). These tactics include developing rapport and potentially providing information known to be erroneous. Therefore, misstatements of facts or evidence in the recorded interview by the interviewing agents are intentional and align with the strategy for the overall investigative plan.

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.

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Preliminary and Demographic Information:

Name: [REDACTED]	Rank: [REDACTED]
Badge Number: [REDACTED]	Cruiser/Vehicle Number: [REDACTED]
Radio Call Sign: [REDACTED]	Immediate Supervisor: Did not ask
Radio Channel Utilized: New Philadelphia Main Channel	Mobile Data Terminal: Present & Utilized
Cruiser Description: Standard OSHP markings	Occupants of Cruiser and Seating Positions: No occupants
Assignment: Patrol	Normal Shift: 6PM to 4AM
In-Car Camera: Operational & Utilized	Spotlight: Present & Utilized
Emergency Lights: Present & Utilized	Siren: Present; Not Used
Shift Day of Incident: 1800 - 0400	Duty Status: On-Duty
Days Off: Rotating Days Off – Sun, Mon, and Tues off during the week of the incident.	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: Did not ask	Consider Self Well Rested?: Yes
Total Length as Officer: 12 years	Length at Current Agency: 12 years
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Standard OSHP issued uniform	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Taser
Ballistic Vest: Concealed Armor	Body Worn Camera: Present & Used
Other Recording Devices: None	Partner: N/A
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Drug Recognition Expert (DRE)	OPOTC Certification: [REDACTED]

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Military Experience/Training: ██████████ ██████████ ██████████	Use-of-Force Training: Annual departmental training
Prior Shooting Incidents: Did not ask	Prior Discipline or Use-of-Force Complaints: Did not ask
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None
Alcohol in Past 24 Hours? Day prior - not under the influence	Last Consumed Alcohol Prior to Incident: None

Officer's Firearm(s):

Weapon #1

Make: Sig Sauer	Model: P320
Caliber/Gauge: 9 mm	Serial: ██████████
Type: Semi-Auto Handgun	Method of Carry: Duty Belt Holster
Magazine Capacity: 17	Total Rounds as Carried (including chamber): 18
Extra Magazines: 2	Number of Rounds in Extra Magazines: 17 in each magazine - (34 total)
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 11	Number of Rounds Fired: 7 rounds (According to round count)
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: April 2024	Type of Holster, if any: Department issued

Weapon #2

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Make: Sig Sauer	Model: P365
Caliber/Gauge: 9 mm	Serial: [REDACTED]
Type: Semi-Auto Handgun	Method of Carry: Ankle Carry
Magazine Capacity: 10	Total Rounds as Carried (including chamber): 11
Extra Magazines: 0	Number of Rounds in Extra Magazines: N/A
Discharged During Incident? No	Primary or Backup Weapon: Backup
Rounds Remaining After Incident: 11	Number of Rounds Fired: 0
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: April 2024	Type of Holster, if any: concealed ankle holster

Narrative:

Prior to the incident, [REDACTED] stated he was monitoring the new Philadelphia radio traffic from the Zanesville OSHP post in which he was assigned to as the supervisor. [REDACTED] stated that after he heard additional units responding, he eventually spoke with OSHP [REDACTED] over the phone. [REDACTED] advised that the male driver from the initial traffic stop made suicidal comments. [REDACTED] further stated that it sounded like the driver was going through a mental crisis or was impaired. At this point, [REDACTED] stated he responded to assist.

Upon [REDACTED]'s arrival on scene, he observed medics on scene in which he discovered was due to the mental status of the driver along with suicidal comments that were made. [REDACTED] stated that a Tuscarawas County Sheriff's Office (TCSO) deputy was also on scene to provide crisis intervention assistance by attempting to speak with the driver. [REDACTED] stated he received a status on the situation from OSHP [REDACTED] ([REDACTED]). [REDACTED] was advised by [REDACTED] that the driver was paranoid and admitted to having thoughts of harming himself. Furthermore, [REDACTED] advised [REDACTED] that it was only he and the TCSO deputy speaking with the driver because everyone else on scene

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made the driver feel uneasy. [REDACTED] also advised [REDACTED] that when they asked the driver if he had any weapons, the driver replied, "we're safe" or "we're all safe." At this point, [REDACTED] ordered spike strips in place in case the driver decided to drive off.

At one point during the incident, [REDACTED] stated they had the OSHP intelligence unit gather information related to a family member who may be able to assist with this matter. [REDACTED] stated that when they did get in touch with a family member, [REDACTED] held the cell phone up to where the driver could hear their voice, however, it was unsuccessful in getting the driver out of the vehicle. After several unsuccessful attempts to get the driver to comply, which included getting coffee and donuts for him, [REDACTED] stated that he told the additional OSHP troopers and TCSO deputies to move up closer but to remain out of sight. [REDACTED] stated that he wanted them close by due to them running out of options and having to possibly go hands-on with the driver.

[REDACTED] stated that when the ambulance arrived and pulled up to where the driver was stopped, the driver's door opened from the vehicle. [REDACTED] stated that he was not sure if the driver opened it or if the TCSO deputy opened it. [REDACTED] stated that as this was occurring, he remained back and out of sight most of the incident to avoid agitating the driver anymore. [REDACTED] stated that at one point, he saw TCSO [REDACTED] holding the driver's door open and positioned between the door and the driver. After [REDACTED] heard what he thought was arguing between [REDACTED] and [REDACTED] he and [REDACTED] moved up to the rear of the truck. At this point, [REDACTED] stated that the situation began to deteriorate, and the driver would not show his right hand.

[REDACTED] stated that during this time, [REDACTED] and [REDACTED] were yelling for the driver to show them his hands. While [REDACTED] had his taser out pointed towards the driver, [REDACTED] walked up to the passenger side of the truck and yelled out, "61," the code for a gun. [REDACTED] further stated [REDACTED] then yelled out "gun, gun," followed by "he's got a gun in his hand." [REDACTED] stated after [REDACTED] alerted everyone to the gun, [REDACTED] returned to the rear of the truck with him. At this point, [REDACTED] stated he then drew his firearm. Also, at this time, he observed [REDACTED] transition from his taser to his firearm.

[REDACTED] then stated, ***"I heard a gunshot while simultaneously seeing the suspect's right shoulder move. I immediately raised my firearm, and it was at that moment that I fired my weapon at the suspect. In addition to my rounds, I heard multiple other gunshots."*** [REDACTED] stated that he stopped firing the moment

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that he did not see any further movement from the driver, in which he believed that the other troopers and deputy stopped at the same time. [REDACTED] stated that while he was shooting his firearm, he was moving back towards the OSHP vehicle. After [REDACTED] made his way behind the OSHP vehicle, along with [REDACTED] he asked [REDACTED] what he saw. [REDACTED] stated, ***"I believe he replied that he saw a gun. I clarified and asked what do you see now. [REDACTED] responded that he was not moving."***

At this point, [REDACTED] stated, ***"[REDACTED] got rifle from his cruiser. [REDACTED] moved to the east to get a visual on the suspect. I believe [REDACTED] and another deputy also approached with [REDACTED] and one of them announced that the gun was in his hand."*** [REDACTED] further stated, ***"A deputy removed the gun from the suspects hand while [REDACTED] and the other deputy provided lethal cover from the south and east, and I provided it from the north. Once the gun was secure, they removed the suspect from the truck and placed him on the ground."*** At this point, [REDACTED] stated that the driver was quickly secured and assessed for injuries.

[REDACTED] stated, ***"I know I fired seven rounds during this incident. The direction of my shots was south and I believe I fired at a slightly downward angle, as the suspect was seated in the driver's seat and I was standing. My target was the left side of the suspect's center mass and head, as he was angled in the driver's seat with his left side towards the north."*** [REDACTED] stated that he was approximately 8 to 10 feet away from the driver when he fired his first round and approximately 12 to 14 feet when he fired his last round.

[REDACTED] stated when he discharged his weapon, he was in fear for the life of [REDACTED] and the life of [REDACTED]. He was also concerned for the lives of [REDACTED] and the medics, who pulled up next to the vehicle originally driven by Kendell Woodard (Woodard). [REDACTED] stated, ***"Immediately prior to firing my weapon, [REDACTED] yelled that the suspect had a gun in his hand and a second to two later, I heard a gunshot and saw the suspect move. At that moment, I did not know who fired by based on the fact that I knew the suspect had a firearm in his hand and moved, I believed he was either going to shoot and seriously injure or kill [REDACTED] or had just fired at him."*** [REDACTED] further stated, ***"However, at the time I believed the suspect had either fired at [REDACTED] or was about to fire at him based upon his movement and having the gun in his hand."***

The interview concluded at approximately 1235 hours.

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The interview was audio recorded. The audio recording and statement provided by [REDACTED] was attached to this report. The signed BCI Criminal Investigation Notification form is also attached to this report. Please see the attachments for further details.

References:

None

Attachments:

1. Criminal Investigation Notification Form - OSHP [REDACTED]
2. Statement of OSP [REDACTED]
3. 2024-05-30 Audio Interview of OSP [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).

[Redacted]
 Printed Name of Interviewee

5/20/2024 12:15 PM
 Date / Time

[Redacted]
 Signature of Interviewee

S/A Joseph Goudey
 BCI Agent (Printed)

[Handwritten Signature]
 BCI Agent (Signature)

STATEMENT OF [REDACTED], UNIT # [REDACTED]

This statement is regarding my involvement in an incident that occurred between approximately 1:45 a.m. and 5:30 a.m. on Friday, May 3, 2024, in Dover, Ohio. I am making this statement voluntarily as part of the investigation being conducted by the Bureau of Criminal Investigation (BCI).

My date of hire with the Ohio State Highway Patrol (OSP) is November of 2012. I graduated from the OSP academy and obtained my Ohio Peace Officer Training Academy (OPOTA) Certificate on [REDACTED]. I am currently assigned to patrol at the OSP Zanesville Post. My regular days off are Sunday, Monday and Tuesday. My regular duty hours are 6:00 p.m. to 4:00 a.m. I do not have any prior law enforcement experience.

I was in [REDACTED]

[REDACTED] I received a Bachelor of Arts Degree in Criminology/Criminal Justice from The Ohio State University. I have never had a use of force that has been determined to be outside of policy.

I do not wear glasses or contacts and my vision is good. I do not wear a hearing aid and my hearing is good. I did not consume any alcohol in the 24-hour period prior to this incident. I do not take any medication, prescription or over the counter, which would impair my abilities as a peace officer. I do not suffer from any disabilities that impair my abilities as a peace officer. I did not work any special duty or overtime in the 24-hour period prior to this incident. I arrived at the start of my shift well-rested and was not under any unusual stress.

On the day of this incident, I was wearing the standard OSP uniform which consisted of a Stetson hat; gray trousers; a light gray short-sleeved shirt with OSP patches on both shoulders;

and an internal vest. I also had a body worn camera (“BWC”) mounted to my chest. My BWC was on and recording during this incident.

I was carrying my OSP-issued Sig Sauer P320 9mm handgun. That firearm was loaded with OSP-issued ammunition and was equipped with an OSP-issued light. I most recently qualified with that weapon in April of this year. I was also carrying a backup weapon: a Sig Sauer P365 9mm handgun. I did not access or discharge that weapon during this incident.

A little before 2:00 a.m., on the day of this incident, I heard Trooper Day, who is a newer unit and works at the New Philadelphia Post, mark on a disabled vehicle. At this time there was not a supervisor assigned to the New Philadelphia Post, so I was monitoring the radio traffic of the New Philadelphia Post while I was completing paperwork at the Zanesville Post. Several minutes later, I heard him request an additional unit, and eventually a Crisis Intervention Team unit. I continued to monitor the radio traffic and it sounded as if the driver was either in a mental health crisis or impaired. I heard that [REDACTED] had arrived at the scene and I marked on the radio and asked for him to contact me, as I knew him from the OSP Academy. However, [REDACTED] was speaking with the driver of the vehicle so [REDACTED] (who was also on scene) called me. He told me that the driver had made a suicidal comment and that he was partially parked in the road and would not exit the vehicle.

Given the status of the situation, I decided to drive from Zanesville to New Philadelphia, to have a supervisor on scene. I got into cruiser [REDACTED] and drove I-77 North to Dover to the exit/entrance ramp where [REDACTED] and [REDACTED] were located. As I drove to the location, I heard over the radio that medics were called due to his mental state and suicidal comments. It took me approximately an hour to arrive at the scene. I parked behind the other cruisers. When I arrived the medic was still on scene, as well as a Tuscarawas County Sheriff’s Deputy who was

CIT and communicating with the driver. I walked south towards the vehicle. [REDACTED] came to update me on the situation. He stated it was just him and the Deputy up with the driver as everyone else was making him uneasy. He also stated that the driver was paranoid, seeing things, and admitted to having thoughts of harming himself. [REDACTED] also said that he asked the driver if he had any weapons and that he would not directly answer him but would just say "we're safe" or "we're all safe" or words to that effect. I told [REDACTED] that I would like to get some spike strips in place in case he decides to flee (the driver did not have a valid license). He stated that he agreed and that the truck was currently off and the keys were not in the ignition.

I remained back by the cruisers/medics and [REDACTED] returned to the driver. At some point, I called the Duty Officer, Capital Rine, who recommended I contact OSP Lt. Molly Harris. Lt. Harris oversees OSP's CIT training and has extensive training with respect to handling mental disturbances. I called Lt. Harris. While I was speaking with her, [REDACTED] returned and I gave him the phone to speak with Lt. Harris since he had been interacting with the driver. [REDACTED] was going to try and have our dispatch/intelligence center locate a family member who may be able to assist in getting the driver out of the vehicle and into the ambulance to receive mental health care. I also again stated that I would like to get the spike strips in place should they be needed. At some point, [REDACTED] was able to get a family member on the phone and held his phone up for the driver to hear but it was not successful in getting him to exit the vehicle.

[REDACTED] arrived with coffee and donuts for the driver, as it was thought that would get him out of the vehicle and into the ambulance. I believe at some point, but I am not sure exactly when, I told Trooper Day and the other Tuscarawas County Deputies who were staged

nearby to move up but remain out of sight. I wanted them close by as I knew we were likely out of options and if he did not willingly get out of the truck and go into the ambulance, we would have to go hands-on and remove him from the truck.

I believe once the donuts were delivered, the driver then stated the ambulance was too far away. The ambulance then pulled up almost next to his truck. At some point, the door to the truck opened. I am not certain if the driver opened it or if the Deputy did, as I remained towards the back and out of sight for the vast majority of this incident in order to not further agitate him. The driver did not exit the vehicle. I believe [REDACTED] and [REDACTED] were continuing to try to get the driver to voluntarily exit the vehicle. This went on for a minute or two when I saw [REDACTED] hold the door open and position his body between the door and the driver, so that the door could not close. I could not hear exactly what was being said but it sounded as if the driver and [REDACTED] were arguing. I approached the back of the truck and [REDACTED] joined me a few seconds later. I told him to put the spike strips down, which he quickly did. The situation had deteriorated and the driver would not show his right hand. At this point, both [REDACTED] and [REDACTED] were repeatedly yelling for him to show them his hand. [REDACTED] was to the east and had drawn his taser and had it pointed at the driver. I was at the back of the truck, shining my flashlight into the back windshield to try and provide additional lighting, as it was dark outside.

[REDACTED] told [REDACTED] to look into the passenger side of the truck. [REDACTED] moved up and shined his flashlight in the truck. I maintained my position at the back of the truck. As [REDACTED] was looking in the side of the truck, he yelled "61" which is the code for a gun. However, I think [REDACTED] realized [REDACTED] does not use the same codes as OSP so he then yelled "gun, gun!" followed by "he's got a gun in his hand!" and he returned

to the rear of the truck. I quickly drew my firearm and had it by the tailgate, I saw [REDACTED] transition from his taser to his firearm.

Suddenly, I heard a gunshot while simultaneously seeing the suspect's right shoulder move. I immediately raised my firearm and it was at that moment that I fired my weapon at the suspect. In addition to my rounds, I heard multiple other gunshots.

I stopped firing a moment later as I no longer saw movement from the suspect. I believe the other officers stopped firing at virtually the same time. As I was firing, I moved backwards (north) and I was now behind the rear passenger's side of an OSP cruiser that was parked several feet behind the suspect's truck. I believe [REDACTED] fired shots and also moved back and took a position at the rear driver's side of the cruiser I was behind. I asked [REDACTED] what he saw. I believe he replied that he saw a gun. I clarified and asked what do you see now. [REDACTED] responded that he was not moving. [REDACTED] got rifle from his cruiser. [REDACTED] moved to the east to get a visual on the suspect. I believe [REDACTED] and another deputy also approached with [REDACTED] and one of them announced that the gun was in his hand. I approached the suspect vehicle and kept my weapon pointed at the back of the driver's seat to provide cover. A deputy removed the gun from the suspect's hand while [REDACTED] and the other deputy provided lethal cover from the south and east, and I provided it from the north. Once the gun was secure, they removed the suspect from the truck and placed him on the ground.

The suspect was quickly secured and assessed for injuries. Someone stated that he had sustained multiple gunshot wounds. Someone got a first aid kit. A minute or two later, medics who were still on the scene, approached and took over rendering aid to the suspect. While medics addressed the suspect, I notified my supervisor of the incident, requested the ramp be

closed, instructed Trooper Day to start a scene log and [REDACTED] to begin securing the scene. I also obtained information on a driver who was a witness to the incident. Multiple other deputies and troopers arrived on the scene. I remained at the scene until approximately 7:00 a.m., when [REDACTED] and [REDACTED] and I were transported back to Post 79. A BCI investigator arrived and collected my weapon as evidence and took photographs. This ended my involvement with this incident.

I now know I fired seven rounds during this incident. The direction of my shots was south and I believe I fired at a slightly downward angle, as the suspect was seated in the driver's seat and I was standing. My target was the left side of the suspect's center mass and head, as he was angled in the driver's seat with his left side towards the north. I believe I used my gun's sights but did not have time to obtain ideal alignment. I used a two handed (right strong) grip. I fired those rounds in rapid succession in what I would estimate was less than two seconds. I fired my first shot from the back of the truck's tailgate and moved north while firing. I would estimate was approximately 8-10 feet from the suspect when I fired my first round and 12-14 feet when I fired my last shot. Even though it was still dark out when this incident occurred, the cruiser directly behind the suspect's vehicle had its takedown lights on and I initially had my flashlight shining into the back of the suspect's truck and I believe I also had turned on my weapon light. My backdrop was the interior front/dashboard of the suspect's vehicle. I knew there were no law enforcement officers to the south, as [REDACTED] was to west, and [REDACTED] and [REDACTED] to the east. I also knew there were no civilians to the south as we had stopped traffic from coming through the exit/entrance ramp when conditions were changing and the medics moved up next to the suspect vehicle. I did not have any cover but I did have some concealment from the bed/tailgate of the suspect's truck when I fired.

By the time I arrived on scene, [REDACTED] and [REDACTED] had been talking to the suspect for over two (2) hours. While I never directly interacted with the suspect, as I did not want to agitate him, I was on scene for approximately an hour and a half prior to the incident. During this time, there were extensive efforts to try and get him out of the truck and into the ambulance to receive the mental health care he needed. All options were exhausted when the decision was made to go hands-on to remove him from the vehicle.

When I discharged my weapon, I was in immediate fear for the life of [REDACTED] and the life of [REDACTED]. I was also concerned for the lives of [REDACTED] and the medics as they had pulled up next to the suspect's vehicle just minutes before this occurred. Immediately prior to firing my weapon, [REDACTED] yelled that the suspect had a gun in his hand and a second or two later, I heard a gunshot and saw the suspect move. At that moment, I did not know who fired but based on the fact that I knew the suspect had a firearm in his hand and moved, I believed he was either going to shoot and seriously injure or kill [REDACTED] or had just fired at him. I believed that I was in the best tactical position to counter the suspect's actions, as I was at the back of his truck and he would have to completely turn around to shoot me. Whereas [REDACTED] was directly in his line of fire without any cover or concealment and [REDACTED] was up next to the suspect's truck. Several minutes after this occurred, I asked [REDACTED] if the suspect fired, as I was still unsure. However, at the time I believed the suspect had either fired at [REDACTED] or was about to fire at him based upon his movement and having the gun in his hand.

I did have a taser at the time of this incident. However, the use of a taser would not have been appropriate. The use of a taser requires time, distance, barrier, lethal force backup and reasonableness. Here it would not have been reasonable as a taser would not have gone through

the back windshield and driver's seat to reach the suspect and it is not reasonable to counter lethal force with less lethal force.

I know that the suspect's name is Kendell Woodard. I do not believe I have ever had any previous encounters, personal or professional, with him.

I have now had an opportunity to watch the body worn camera footage from this incident. After having reviewed the footage, I noticed that I kept my flashlight in my hand while firing my weapon. During the incident, I thought I had dropped it. I also realized that the medics did not back up until after the shooting had stopped but I thought they backed up during the incident. In addition, I thought that I had fired 2-3 rounds while stationary at the back of the tailgate but upon review of the footage it appears I fired one round stationery and then I moved back (north) while firing.

This concludes my statement.

