



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



2023-2306  
Officer Involved Critical Incident - [REDACTED]  
[REDACTED] Ave., Alliance, OH 44601, Stark County

**Investigative Activity:** Involved Officer Interview – Robert Toussant  
**Activity Date:** September 22, 2023  
**Activity Location:** Alliance Police Department  
**Authoring Agent:** SA Matthew Armstrong #146

**Narrative:**

On Friday, September 22, 2023, at approximately 1211 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) and SA Cory Momchilov (Momchilov) interviewed Alliance Police Department (APD) Officer Robert Toussant (Toussant), who was accompanied by his attorneys, Danielle Chaffin and Dan Leffler of the Ohio Patrolman’s Benevolent Association and Jeffrey Max Haupt from Haupt Law Office in Canton, Ohio. The interview took place at the Alliance Police Department. The interview was video recorded. The video recording was titled *2023-06-22: Involved Officer Interview – Officer Robert Toussant* and has been stored on evidence.com and in the BCI case file as Refence Item C. Ofc. Toussant read, indicated he understood, and signed the BCI Criminal Investigation Notification form. A copy of the form has been 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:**

<b>Name:</b> Robert Toussant	<b>Rank:</b> Patrolman (Ptl.) and Detective (Det.)
<b>Badge Number:</b> 310	<b>Cruiser/Vehicle Number:</b> 41
<b>Radio Call Sign:</b> 41	<b>Immediate Supervisor:</b> Sgt. Minich
<b>Radio Channel Utilized:</b> APD Primary	<b>Mobile Data Terminal:</b> Present & Utilized
<b>Cruiser Description:</b> Black and White Ford Explorer Interceptor marked with the word “Police” and equipped with emergency lights and siren	<b>Occupants of Cruiser and Seating Positions:</b> He was the only occupant
<b>Assignment:</b> Patrol	<b>Normal Shift:</b> 1600 hours – 0000 hours
<b>In-Car Camera:</b> Operational & Utilized	<b>Spotlight:</b> Not utilized

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306

Officer Involved Critical Incident - [REDACTED]  
 [REDACTED] Ave., Alliance, OH 44601, Stark County

<b>Emergency Lights:</b> Present & Utilized	<b>Siren:</b> Present & utilized
<b>Shift Day of Incident</b> 1600 hours – 0000 hours	<b>Duty Status:</b> On-Duty
<b>Days Off:</b> Thursday and Friday	<b>Prior Overtime or Extra Details within Preceding 48 Hours:</b> The shift at the time of the incident was an overtime shift
<b>Hours of Sleep Prior to Incident:</b> Unknown but believe he had a regular night of sleep which is normally 8 to 10 hours	<b>Consider Self Well Rested?:</b> Yes
<b>Total Length as Officer:</b> 5 years	<b>Length at Current Agency:</b> 2.5 years
<b>Physical Disabilities (to include hearing aid):</b> None	<b>Corrective Lenses:</b> No Corrective Lenses
<b>Uniform Worn:</b> blue uniform with police patches on the shoulders a police badge on the front, the word “Police” in white letters on the front and back, a ball cap with a point of view (POV) camera mounted to his left side of the hat.	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> Vest - POV camera battery pack, handcuffs, two spare handgun magazines, radio; duty belt - Hand gun in holster with tourniquet in front of it, OC Spray, handcuffs and taser
<b>Ballistic Vest:</b> External Armor	<b>Body Worn Camera:</b> Present & Used
<b>Other Recording Devices:</b> None	<b>Partner:</b> None
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Training or Areas of Specialty:</b> 5 years assigned to Special Response Team which trains 16 hours per month and includes decision making scenario-based training. Mental Health and First Aid.	<b>OPOTC Certification:</b> Kent State Police Academy. Graduated in 2018.
<b>Military Experience/Training:</b> Served in the Marine Corps. Served as a 0311 Infantry Rifleman. Had 2 deployments; one 9-month deployment to Afghanistan and one 9-month deployment to Okinawa.	<b>Use-of-Force Training:</b> Review of use of force policy annually at minimum and for certification for less lethal tools.
<b>Prior Shooting Incidents:</b> None	<b>Prior Discipline or Use-of-Force Complaints:</b> None
<b>Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident:</b> None	<b>Medications, Prescriptions, or Drugs that might Impair You Now for Interview:</b> None

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306

Officer Involved Critical Incident - [REDACTED]  
[REDACTED] Ave., Alliance, OH 44601, Stark County

**Officer's Firearm(s):**

**Weapon #1**

<b>Make:</b> Spikes Tactical	<b>Model:</b> ST15
<b>Caliber/Gauge:</b> 5.56 mm	<b>Serial:</b> Unknown
<b>Type:</b> Rifle	<b>Method of Carry:</b> Right hip in holster
<b>Magazine Capacity:</b> 30 rounds	<b>Total Rounds as Carried (including chamber):</b> Usually loads each magazine to 28 rounds but the mag may have been missing one or two additional rounds.
<b>Extra Magazines:</b> In cruiser but not with him at the time of the shooting	<b>Number of Rounds in Extra Magazines:</b> N/A
<b>Discharged During Incident?</b> Yes	<b>Primary or Backup Weapon:</b> Primary
<b>Rounds Remaining After Incident:</b> Unknown.	<b>Number of Rounds Fired:</b> unknown
<b>Right/Left-Handed Carry:</b> N/A	<b>Ownership:</b> Department Owned
<b>Last Qualification Date:</b> In the previous calendar year	<b>Type of Holster, if any:</b> N/A

**Video Reviewed:**

Officer Toussant had watched his body camera footage and the footage recorded on Officer Lee Rose's body worn camera one time after the incident. Officer Toussant said the information he provided throughout the interview was based on his recollection of the incident. His recollection of the incident and what he observed on the body camera footage was primarily the same. The only difference he noted was the amount of time that elapsed. He said everything seemed to occur much slower during the incident than what was actually depicted in the video.

**Narrative:**

After obtaining the preliminary and demographic information, Officer Toussant provided the following information related to the incident on September 3, 2023:

While working an overtime shift, he was at a car wash on W. State Street to wash his cruiser when he received a live 911 call in his cruiser and could hear it as it was happening. He could hear Carla West on the call saying George Appleby had a lady or his girlfriend with a knife to her neck and that he had cut her at least one time already. He read through the call notes, could

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306

Officer Involved Critical Incident - [REDACTED]  
[REDACTED] Ave., Alliance, OH 44601, Stark County

hear the radio traffic and knew that Officer Lee Rose (Rose) was being sent there. He responded with his lights and sirens activated and while responding, heard Officer Rose on the radio saying Appleby still had the knife and the female and was retreating back into the residence.

At that moment, he recognized the incident had become a "Hasty hostage situation." This caused him to retrieve his rifle when he arrived at the scene. He explained a rifle is more accurate and provided a better ability to immediately incapacitate someone during a hostage rescue type circumstance.

After retrieving his rifle, he made his way around the back of the residence, up the stairs and into the apartment. The other officers had already entered the main door of the apartment but not the bedroom where Appleby and the female victim were.

Upon entering the apartment, he took over the point position due to having a tactical advantage with the rifle and the light mounted on it. Officer Rose told Mr. Appleby to come out of the back bedroom multiple times. During that time, they did not know the extent of the female's injuries but they knew she was in trouble.

While the officers were trying to enter the bedroom, he did not hear any communication with the female. He did hear her voice but it was not very loud. Most of the communication he heard was between Officer Rose and Appleby. Appleby was saying "If you guys leave I won't do it... If you guys leave I'll come out" (22:07). Officer Toussant explained he was fearful for the safety of the female victim and believed when Appleby made those statements he was saying that if the officers left he (Appleby) would not kill the female victim.

Officer Toussant explained prior to the bedroom door being opened, he was positioned in the bathroom along the narrow hallway with his rifle pointing toward the bedroom door. The door opened from the right side which was where he was positioned. That provided him the ability to see into the room immediately upon the door being opened.

When Sgt. Minich breached the door and it opened, Officer Toussant could see Mr. Appleby with the knife to the female's neck and the female was bleeding from the neck. He yelled "Hands up! Hands up! Hands up!" and as he turned into the room the knife dropped down to her chest area. He could see Appleby was pulling her back deeper into the room and Appleby's head then separated away from the female's head. At that moment he fired two rounds. Appleby and the female then fell to the ground. The other officers made sure the female was ok and then helped get her out of the room.

He described the knife as being similar to a machete and estimate the blade was approximately one foot in length.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306

Officer Involved Critical Incident - [REDACTED]  
[REDACTED] Ave., Alliance, OH 44601, Stark County

Officer Toussant said if he did not act when he did, "He (Appleby) would have drug her back further into the room and probably murdered her right there" (25:16). At the moment he fired, he did not believe he had any other option available to him. He remembered seeing Appleby move his right hand with the knife from the female's neck down toward her chest area and he could see Appleby move his left hand up, but he did not get the impression that Appleby was surrendering.

Officer Toussant said his point of aim was near the top of the forehead. He explained due to the mechanical offset (the optic mounted higher on the rifle than where the bullet traveled from the barrel), the bullet would travel lower than the point of aim thus causing a lower bullet impact when the target is close to the gun.

Officer Toussant explained the hallway was light and it was daytime. The back door was open and the bathroom light was on. However, the bedroom was dark and the bedroom window was covered. Most of the light in the bedroom was provided by the light on his rifle.

When asked if he believed they had to enter the bedroom at that time, Officer Toussant said "Yes...So the way that we describe it is a priority of life right. Um, so ultimately, we know that the victim is injured. We know that her neck is cut allegedly. Um. We don't know how bad those injuries are. Um. Is it a life-threatening injury where we have you know seconds or minutes to save her life and get her medical aid or do we have ten minutes? You don't know. But ultimately you know, we have to make entry, you know. He is in there with her. He apparently already had said he planned on killing her. He made that pretty clear by cutting her neck. So, in the interest of you know getting her medical aid and lifesaving purposes, we had to make entry into that room" (23:09).

When asked if there was an option to use a less lethal weapon such as a taser, Officer Toussant explained there was no way to use a taser in this situation because they didn't have the time or distance to do so. He said a taser doesn't always work and the officers and the female victim were faced with a deadly weapon. In addition, the taser must strike one individual to be effective and the targeting to strike only Mr. Appleby with the taser was not available in this situation.

Officer Toussant said he may have had a prior field contact or call for service with Mr. Appleby. He said his face looked familiar but he could not remember any specific encounters with him.

He believed his actions were consistent with his training. When he fired, the only target he had available was Appleby's head. As Appleby was using the female as a human shield he moved his head away from the female's head. It was during that moment of separation that he had a safe shot without injuring the female.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306

Officer Involved Critical Incident - [REDACTED]  
[REDACTED] Ave., Alliance, OH 44601, Stark County

Officer Toussant consented to agents watching his body worn camera footage in its entirety and reviewing any written reports he may complete in the future. Following the incident, he was given a drug screen. He also consented to agents reviewing the drug screen results.

**Attachments:**

2023-09-22 Signed Criminal Investigation Notification - Robert Toussant

**Reference Items:**

Item C – Officer Interviews

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.





### 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).

Det. Robert A. Toussaint  
Printed Name of Interviewee

9-22-23 / 1210  
Date / Time

[Signature]  
Signature of Interviewee

Cory Momchilov  
BCI Agent (Printed)

[Signature] #64  
BCI Agent (Signature)