



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



2022-1673  
Officer Involved Critical Incident – Smith Road Near Van Tress  
Road, Clinton County, OH (L)

**Investigative Activity:** Interview with Officer  
**Involves:** Sgt. [REDACTED] (S)  
**Date of Activity:** 09/06/2022  
**Activity Location:** Engle & Martin Law Offices – Business – 4660 Duke Drive # 101,  
Mason, OH 45040, Warren County  
**Author:** SA Lauren Frazier, #129

**Narrative:**

On September 6, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agents (SA) Richard Ward, Kenneth Smith, and Lauren Frazier interviewed Trooper Sergeant [REDACTED] of the Ohio State Highway Patrol about his involvement with the Officer-Involved Critical Incident (OICI) resulting in the death of Ricky Shiffer on August 11, 2022, in Clinton County, Ohio.

The details below summarize the pertinent portions of the recorded interview. Please refer to the audio recording for additional information.

The interview with [REDACTED] began at 1212 hours at the offices of Engle & Martin. Attorneys Josh Engle and Mary Martin were present for the interview. Before the interview started, [REDACTED] was read the BCI Criminal Investigation Notification form (see attachment #1), which he acknowledged and signed.

[REDACTED] stated that he has been with the Ohio State Highway Patrol for approximately 11 years and has served approximately 2 years as a Sergeant. He was wearing a clearly marked Trooper uniform on the date of the incident and was in a marked patrol vehicle (Ford Explorer).

[REDACTED] said that he was at the Lebanon post with dispatchers when the call came out. The radio advised that there was a subject with a rifle who attempted to breach the FBI building with a nail gun and that the FBI was following the subject on I-71.

[REDACTED] stated that himself, Trooper [REDACTED], Lt. [REDACTED], and Trooper [REDACTED] began towards the area. They obtained additional information via radio, advising that the subject was a White male in a white Crown Victoria with dark tinted windows and Florida plates.

A short time later, [REDACTED] stated that Trooper Jacques Illanz located the subject's vehicle on

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.

North I-71 towards SR 48. Once additional units caught up to the subject's vehicle, the subject took off at a high rate of speed and a pursuit ensued. [REDACTED] was the last unit in pursuit of the subject's vehicle, approximately 6th in line. [REDACTED] said that the subject shot at a black Sprinter van with government tags and that it appeared to be a shotgun fired. He radioed to additional units the location of the vehicle, in order to check on the occupant(s).

[REDACTED] stated the subject exited on to 73, ran a red light, and went into oncoming traffic. The subject eventually turned on to Smith Road before stopping. [REDACTED] advised that he exited his vehicle and heard shots fired and a muzzle flash pointed towards him. It was [REDACTED]' belief that the subject was firing over the hood of the white Crown Victoria.

[REDACTED] stated that due to the lighting at that time of day, he could see a silhouette of the subject at the "b pillar" of the subject's vehicle. [REDACTED] was armed with his Colt AR-15 rifle with EOTECH optics and stated that he fired 4 rounds (from a 28 round magazine), including 2 rounds through the subject vehicle's front passenger glass and 2 rounds through the rear passenger glass.

[REDACTED] drew a rough sketch (see attachment #2) of where his vehicle was located in reference to other vehicles, once he arrived on scene at Smith Road. He described that they were near cornfields and that the subject was positioned with trees behind him and a clear backdrop.

[REDACTED] stated that he maintained his position and 12-13 minutes later, there was additional gunfire, but he did not discharge his firearm. He estimated that he stayed in position for a few hours until relieved by other officers. He made his rifle safe and then gave his rifle to OSP Lt. Wayne Price before it was given to BCI.

The interview between [REDACTED] and BCI concluded at 1238 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #3) and typed statement provided by [REDACTED] (attachment #4).

#### Attachments:

Attachment # 01: 2022-09-06 / Trooper Sgt. [REDACTED] [REDACTED] audio interview

Attachment # 02: [REDACTED] Crim Notification Form

Attachment # 03: [REDACTED] Diagram

Attachment # 04: [REDACTED] Written Statement

# **Exhibit 1**

**Included as a separate file.**

## **Exhibit 2**



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Bureau of Criminal Investigation  
Office 740-845-2181  
Fax 740-845-2020

1560 SR 56, PO Box 365  
London, OH 43140  
www.OhioAttorneyGeneral.gov

## Criminal Investigation Notification

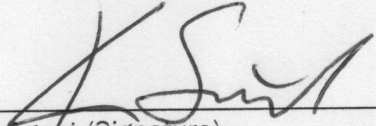
1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct 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

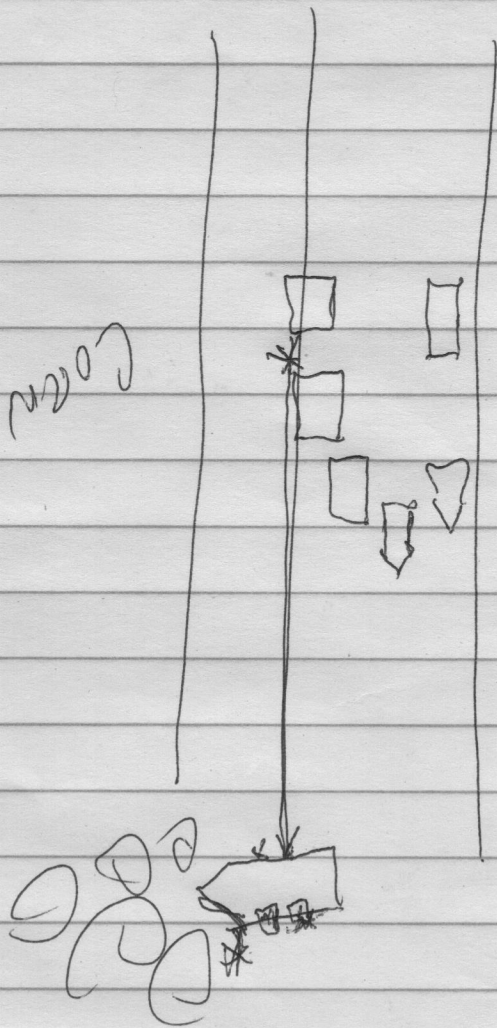
9/16/22 12:15 PM  
 Date / Time

\_\_\_\_\_  
 Signature of Interviewee

SA KEN SMITH  
 BCI Agent (Printed)

  
 BCI Agent (Signature)

## **Exhibit 3**



✓ 9/16/22

## **Exhibit 4**



STATEMENT OF [REDACTED]

AUGUST 19, 2022

I am a Trooper with the Ohio State Highway Patrol. I have been employed as a law enforcement officer since 2011. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 2012.

I am currently assigned as a Criminal Patrol Sergeant with the Warren County Drug Task Force. I primarily work in the Lebanon area.

I am providing this statement voluntarily. I have prepared the statement to the best of my recollection. I have not yet had the opportunity to review all of the videos of the incident and it is possible that this review might refresh my recollection in the future.

I am familiar with the Ohio State Highway Patrol's policies and procedures on use of force. My most recent training on use of force occurred in April 2022. I most recently completed my firearm qualifications in May 2022.

On August 11, 2022, I was working the 0700 to 1500 shift. I was wearing my uniform and operating my patrol car during my shift.

While on duty, I carry my Sig Sauer P365 9mm pistol along with 3 magazines containing 17 rounds each. One magazine is contained in the firearm, the remaining 2 are carried on my duty belt. My firearm had 18 rounds (1 in the weapon and 17 in the magazine).

I also had with me my personal Colt LE 6940 rifle. I am permitted to carry my personal rifle, per policy, and I have qualified on this weapon. This weapon is carried in passenger compartment of my vehicle mounted between the front seat. I had 1 magazine containing 28 rounds. An additional 10 magazine round is carried in the stock of the weapon.

I was informed by Dispatch while at the Lebanon Post to be on the look out for a white crown Victoria with white male driver with an assault rifle strapped to his chest was traveling northbound on I-71. I left the Post and was subsequently informed that the suspect had attempted to breach the FBI building in Cincinnati. I was also informed that he was armed with an assault rifle and nail gun and was wearing body armor. I requested additional assistance. I also took out my rifle; I

loaded a round in chamber and set up the stock and turned on the optic.

Trooper Illanz informed me that he had observed the suspect vehicle traveling northbound on I-71 and was pursuing at normal highway speed. I activated my lights and sirens and tried to catch up to the suspect. I, along with four other troopers and a Warren County Deputy Sheriff got behind the suspect vehicle at approximately mile post 37. I was the sixth car in line. Traffic was moderate. Trooper Illanz activated his lights and attempted to make a stop of the vehicle. The suspect vehicle traveled on the berm to pass some cars and trucks on the shoulder. He accelerated to approximately 110-120 mph.

At approximately mile post 40, I was informed that the suspect fired a shot into a black panel van. I observed a shattered window on the side of the vehicle and damage to the side of the vehicle. I made contact with the driver who appeared to be uninjured and gave me a "thumbs up," so I continued the pursuit.

We maintained the pursuit from a distance. Stop sticks had been set up under SR 73. The suspect exited on SR 73 before the stop sticks. The suspect ran through a red light and nearly struck a vehicle. The suspect continued east on SR 73, occasionally entering the lane for oncoming traffic. The suspect turned left on to Smith Road. He crossed over the interstate on the overpass at a high rate of speed. It appeared that the suspect had difficulty navigating a curve. The suspect pulled the car partially into a ditch near some trees.

The suspect exited the vehicle and stood near the rear passenger door. The suspect started firing at us I exited my vehicle with my rifle. This is consistent with my training and experience in conducting felony stops. I heard the shots and was able to observe muzzle flashes come from the suspect. I took cover behind the bumper of another vehicle. I was approximately 70 yards from the suspect.

I believed that I was in imminent danger of death or great bodily harm and the only means of escape from danger was the use of deadly force. I did not believe that I could safely withdraw from the location and adequately protect myself or other possibly innocent persons in the area. I, along with other law enforcement officers present on the scene, returned fire. I did not fire initially because I did not have a clear line of sight on the suspect and I was concerned I might accidentally strike another law enforcement officer. I then observed the suspect

through the windows of his vehicle. Believing that I had a clear line of sight on the suspect or a safe backstop I discharged my weapon about 3-5 times. I stopped firing when the suspect was lying on the ground and I no longer had a clear line of sight.

I observed the suspect moving behind the vehicle. Lt. [REDACTED] gave verbal commands to the suspect to put down his weapon and come out with his hands up. The suspect did not comply with commands. The suspect was yelling at us but I was unable to understand what he was saying. I later observed him pointing what appeared to be a pistol at us. There was a second round of gunfire but I did not discharge my weapon.

After a brief standoff when nobody fired, additional law enforcement officers and the FBI arrived on the scene.

I remained on the scene for a period of time. FBI and OSHP SRT arrived at the scene. A FBI negotiator sought to communicate with the suspect. I remained in a covered position and received updated information from an observer in a helicopter. I eventually received orders to pull back from my position. I left my vehicle at the scene. My personal rifle was secured by S/Lt. Price at the scene.

On August 11, 2022, I was working the 0700 to 1500 shift. I was wearing my uniform and operating my patrol car during my shift.

While on duty, I carry my Sig Sauer P365 9mm pistol along with 3 magazines containing 17 rounds each. One magazine is contained in the firearm, the remaining 2 are carried on my duty belt. My firearm had 18 rounds (1 in the weapon and 17 in the magazines).

I also had with me my personal Colt LE 6940 rifle. I am [REDACTED] permit to carry a handgun, per policy, and I have [REDACTED] qualified to carry a handgun in passenger compartments between the front seat. I had 1 magazine [REDACTED] an additional 18 magazine [REDACTED] round is carried in the stock of the weapon.

8/19/22

I was informed by Dispatch while at the Lebanon Post to be on the look out for a white crown Victoria with white male driver with an assault rifle strapped to his chest was traveling northbound on I-71. I left the Post and was subsequently informed that the suspect had attempted to breach the FBI building in Cincinnati. I was also informed that he was armed with an assault rifle and nail gun and was wearing body armor. I requested additional assistance. I also took out my rifle; I