



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



2023-2306

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

Prosecutor Summary

INVESTIGATION REGARDING:

Officer-Involved Critical Incident (Shooting) – George Appleby, Alliance Police Department Officer Robert Toussant

INVESTIGATING AGENCY:

Ohio Bureau of Criminal Investigation

CASE NUMBERS:

2023-2306 BCI Special Investigation Unit
BCI Crime Scene Unit
BCI Criminal Intelligence Unit
BCI Cyber Crimes Unit
23-37645 BCI Laboratory
23-02125 Canton Police Department

DATE OF INCIDENT:

Sunday September 3, 2023

DATE OF REPORT:

April 24, 2024

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Investigative Request

On Sunday, September 3, 2023, at approximately 1424 hours, the Ohio Bureau of Criminal Investigation (BCI) was requested by Chief John Gabbard (Gabbard) of the Canton Police Department (CPD). The request was for an independent investigation of the facts and circumstances surrounding an officer-involved shooting which occurred at [REDACTED], Alliance, Ohio 44601. The shooting incident involved a subject identified as George Appleby (Appleby), and Alliance Police Department (APD) officer Robert Toussant (Toussant). Appleby was shot during the incident and pronounced deceased at the scene. The BCI Crime Scene Unit (CSU) and the Special Investigations Unit (SIU) were requested.

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Investigative Team

BCI Special Agent Matthew Armstrong from the Special Investigations Unit (SIU) was assigned as the lead investigator. He received assistance from BCI SIU SA Nick Valente, SA Bill Conn, and SA Christopher Hamberg.

BCI Crime Scene Unit (CSU) Larry Hootman and Crime Scene Special Agent Supervisor Edward Lula documented and collected pertinent evidence at the scene.

Additionally, various personnel from the BCI crime laboratory performed scientific analyses on submitted items of potential physical evidence.

The investigation was supervised by Special Agent Supervisors Jon Lieber and Charles Moran.

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Preface:

This report serves as a synopsis of the investigation into the September 3, 2023, officer-involved shooting in Stark County, Ohio. This report only summarizes the information determined to be the most useful in achieving an overall understanding of what occurred during this incident. Every fact and detail are not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

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Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Video recorded interview of the involved officer who discharged his weapon
- Video recorded interviews of four witness officers who were present at the time of the incident
- Reviewed EMS records pertaining to their response and the medical treatment administered
- Canvass for surveillance video cameras in the area surrounding the scene
- Canvass for and interviews of 2 witnesses to the incident
- Interviewed 1 female victim
- Obtained and reviewed body worn camera video footage related to the incident
- Obtained and reviewed records of prior law enforcement contacts with the subject
- Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving records, etc.
- Processed the crime scene for potential evidence (photographing, searching, 3D scanning, measuring, documenting, and collecting)
- Reviewed audio communications on the radio frequencies utilized during the incident
- Reviewed dispatch/CAD records pertaining to the incident
- Determined Mobile Data Terminal (MDT) communications relative to the incident did not exist
- Reviewed the Alliance Police Department's reports and investigative materials pertaining to the incident, (excluding any Garrity statements or information derived from any compelled statement)
- Conducted forensic laboratory examinations to include:
 1. Firearm identification testing of involved firearms and cartridge cases
 2. Firearm operability testing
- Collected and reviewed the departmental personnel file of the officer involved in the shooting, to include training and disciplinary records
- Reviewed firearm qualification records for the involved officer
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the involved officer

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- Obtained the department's policies and procedures regarding the use of force for prosecutorial review

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Incident Summary/Overview

On Sunday, September 3, 2023, at approximately 1340 hours, officers of the Alliance Police Department (APD) were dispatched to a 911 call for a domestic violence incident at [REDACTED], Alliance, Ohio. Officers were informed Appleby had a knife to [REDACTED]'s [REDACTED] throat. Initially, they were behind, outside of the residence, but Appleby had taken her back inside the apartment.

Officer Lee Rose (Rose), Officer Shane Tallman (Tallman), Officer Chad Caughey (Caughey), Sergeant Stephen Minich (Minich), and Detective Robert Toussant (Toussant) responded to the call. Officer Rose was the first to arrive and observed Appleby inside the apartment with a knife to [REDACTED]'s throat. Appleby was retreating further into the apartment and Officer Rose then forced entry into the apartment.

One inside the apartment, Officer Rose located Appleby behind a locked bedroom door at the end of a narrow hallway, where he began ordering Appleby to open the door. The other APD officers arrived and continued giving commands for Appleby to open the door. Appleby failed to comply with the orders and officers forced open the door. When the door opened, Officer Toussant was the first officer to encounter Appleby and [REDACTED]

Appleby and [REDACTED] were standing upright facing the door. Appleby had hold of [REDACTED] with a large, fixed blade knife to her torso. He was positioned behind [REDACTED] and appeared to be using her as a human shield. [REDACTED] had a visible cut on her throat which was bleeding. Appleby was ordered to put his hands up but he failed to fully comply. Officer Toussant fired two times, striking Appleby in the head. Appleby released [REDACTED] and fell to the floor.

After the shooting officers immediately retrieved [REDACTED] and removed her from the apartment. She was transported by ambulance to Aultman Alliance Community Hospital. Appleby was accessed and found to have a significant head injury with no signs of life. He was pronounced deceased by medical personnel at the scene.

The knife utilized by Appleby was recovered. Officer Toussant fired his Spikes Tactical Rifle twice. Two fired .223 caliber cartridge cases were recovered at the scene. They were forensically examined and confirmed to have been fired by Officer Toussant's rifle.

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Crime Scene Processing

The BCI Special Investigations Unit (SIU) and Crime Scene Unit (CSU) responded to the crime scene to document, process and preserve items of potential evidence. The process included the search for, documentation and collection of potential evidence. Detailed photographs and crime scene reports were completed with the information below only summarizing some of the more significant findings.

[REDACTED]
SA Larry Hootman and Crime Scene Special Agent Supervisor (SAS) Edward Lula processed the scene located at [REDACTED].



[REDACTED]
BCI Agents obtained written consent to search from the apartment resident [REDACTED].

Prior to any crime scene processing, photographic documentation of the scene was obtained followed by a laser scan using a Leica RTC 360 Laser Scanner.

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A search of the scene revealed an older Caucasian male in the apartment's bedroom just right of the bedroom door. The subject, identified as George W. Appleby, was deceased, and had severe trauma to his head. The subject was discovered to be supine and was found to be wearing only a pair of shorts.



Decedent George W. Appleby

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The bedroom door was discovered to have been damaged and a Halligan bar was observed in the hallway outside the bedroom.



Location of Halligan bar

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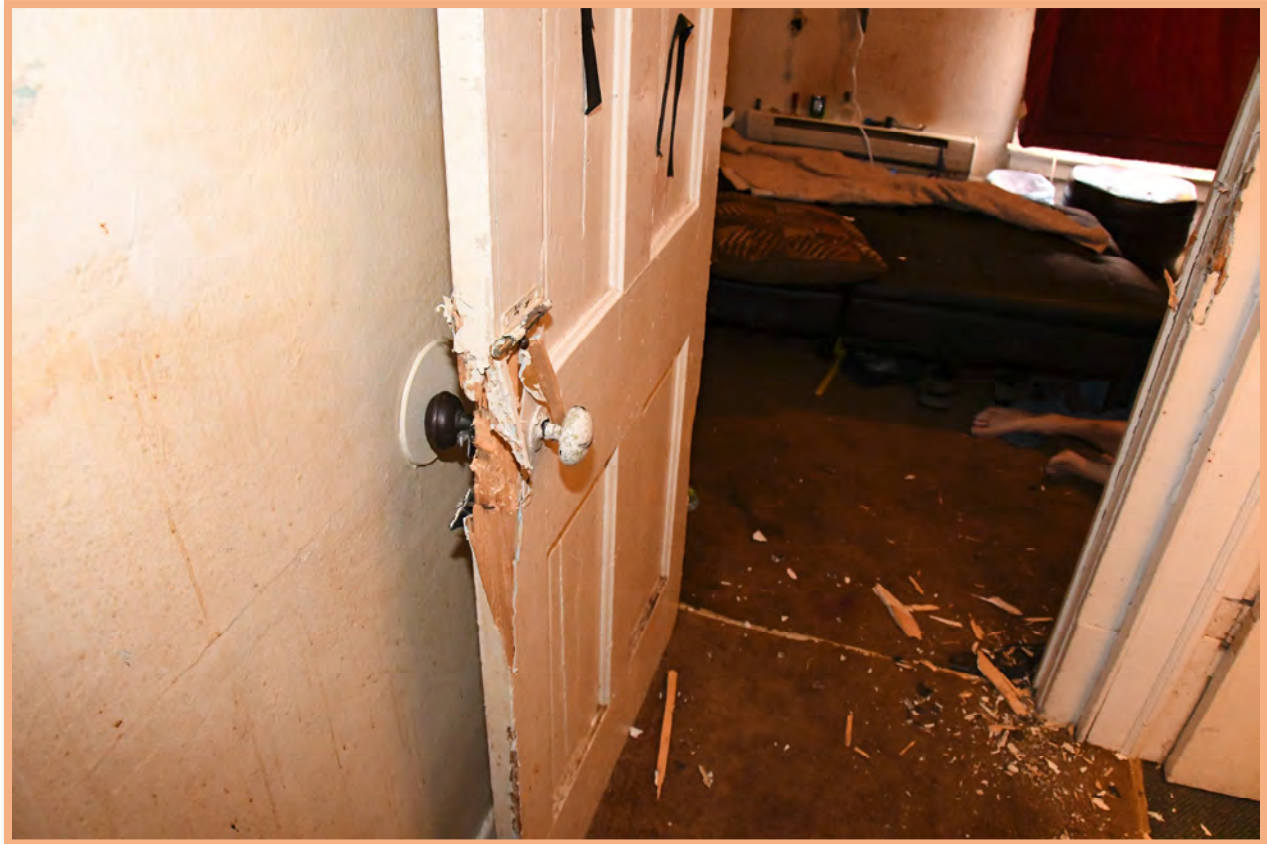


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Damaged Bedroom Door

The following items were located, documented, and collected as evidence:

1. One fired Remington .223 cartridge case in the bathroom bathtub
2. One fired Remington .223 cartridge case on the floor of the master bedroom
3. One large, fixed blade knife on the floor of the master bedroom
4. One Shock brand cellular phone on a storage cabinet in the master bedroom

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Item #1 - Remington .223 cartridge casing



Item #1

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Item #2 - Remington .223 cartridge casing



Item #2

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Item #2 - large, fixed blade knife



Item #3

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For additional details regarding the crime scene processing refer to the Leica 3D scan data, the crime scene photographs, and the Investigative Report titled, *2023-09-03 Crime Scene Processing*.

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Response to Alliance Police Department

SA Valente responded to the APD to meet with the involved officer and collect evidence relevant to the incident. SA Valente met with the involved officer, Robert Toussant, and his attorney, Max Haupt (Haupt). Officer Toussant declined to participate in an interview at that time, but provided the following information:

The weapon he used in this incident was a personally owned rifle which was in the back of Cruiser 41 parked in the sallyport of the police station. At the time of the incident, he did not have immediate access to any additional magazines or ammunition for the rifle other than the magazine that was inserted into the weapon. Officer Toussant provided written consent for the collection and ballistic testing of his rifle.

The weapon was a .223 caliber Spikes Tactical rifle. The weapon was found with a yellow safety chamber flag inserted in the chamber. There were 24 cartridges contained in the magazine.



2023-09-03: Photograph of Officer Toussant's Rifle Magazine - IMG_0261

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2023-09-03: Photograph of Officer Toussant's Rifle Close Up - IMG_0264

The following items of evidence were collected at the police department:

- One .223 caliber Spikes Tactical rifle bearing serial number [REDACTED] with one magazine and twenty-four .223 cartridges.

Officer Toussant was photographed in the uniform he was wearing at the time of the incident.

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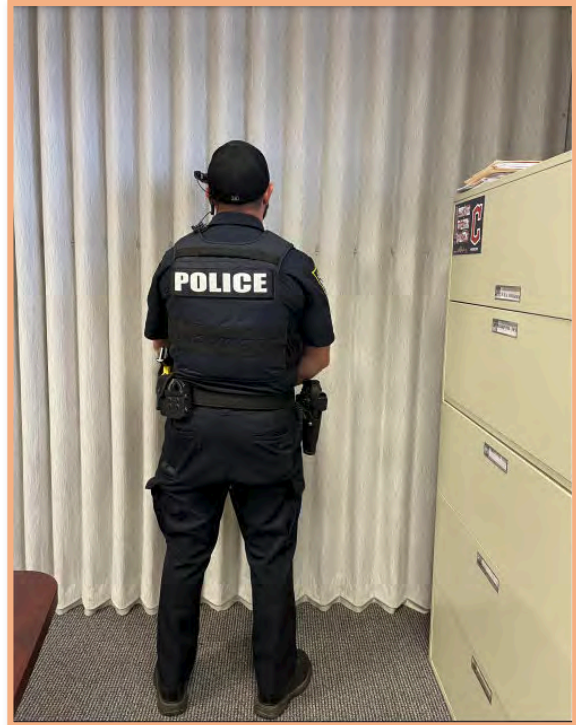


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**2023-09-03: Photograph of Officer
Toussant Front - IMG_0257**



**2023-09-03: Photograph of Officer
Toussant Front - IMG_0257**

For additional details regarding the response to the police department refer to the investigative report titled, *2023-09-03: Officer Contact, Documentation, and Collection of Evidence.*

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Neighborhood Canvass

While the crime scene was being processed, agents conducted a neighborhood canvass in the area of the shooting incident. The purpose of the canvass was to identify and interview potential witnesses to the officer-involved shootings. It was also conducted to identify any potential sources of video surveillance. Agents did not locate any operational surveillance cameras that recorded any portion of the incident. Agents spoke with 2 citizens who were present in the area when the incident occurred.

Carla Cameron

Carla Cameron (Cameron) was a resident of 846 South Linden Avenue, Alliance, Ohio 44601 (Upper Rear Apartment), which was adjacent to the apartment where the incident occurred.

Cameron stated she was inside her apartment and heard a lot of bumping and banging sounds coming from the neighbor's apartment (OICI Scene). She looked out her apartment window, which had a full view of the front door of the incident location. Cameron then saw the decedent and the victim come out of the apartment onto the porch. At that time, the decedent had the victim in front of him with his right arm around her neck. In his left hand, he had a large knife held to the victim's throat. He kept yelling "I'm going to kill the bitch if anyone comes up here, I'll kill the bitch." Cameron then backed away from the windows and called 911 to request police assistance. The decedent then pulled the victim back into the apartment.

When she heard the police arrive, she left her apartment and went to the front of the building to direct the police to the correct apartment. Cameron stayed out front after the police arrived and within moments heard loud banging, crashing sounds and inaudible yelling followed by two to three gunshots. Cameron then returned to the back of the building and waited there as directed by the police.

Cameron said she lived in her apartment for about a year and has seen numerous violent incidents between the victim and decedent. She specifically noted "the man was always whipping her ass."

Kenadi Zufall

Kenadi Zufall (Zufall) was a resident at 846 South Linden Avenue, Alliance, Ohio 44601 (Upper Rear Apartment), which was adjacent to the apartment where the incident occurred.

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Zufall said she was awakened from a nap by her roommate, Carla Cameron, who told her that Joe (George Appleby) had a knife to [REDACTED] s (the victim) neck and was yelling, "I'm going to kill the bitch." Ms. Zufall stated she got out of bed and ran out of the apartment and around to the front of the building. Zufall said the police were already on scene when she exited the apartment. She then heard loud crashing sounds and two shots. Zufall returned to the back of the building and waited there as directed by the police.

Zufall said that Joe was known to beat the victim for drug money "all the time."

For additional information refer to the investigative reports *2023-09-05 OIC Summary of Witness Statements (IR - 2)* and *2023-09-05 OIC Summary of Witness Statement (IR - 3)*.

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Victim Information

The victim being held hostage during the incident was identified as [REDACTED]. She was transported to Aultman Alliance Community Hospital, where she was treated for her injuries and released from the hospital. While at the hospital she was interviewed by agents.

[REDACTED] Interview

On September 3, 2023, at 1704 hours, BCI SA Valente interviewed [REDACTED] at Aultman Alliance Community Hospital. [REDACTED] was accompanied by her sister Nina Kelly (Kelly) at the time of the interview. The interview was audio and video recorded.

Prior to speaking with [REDACTED] Kelly advised SA Valente that [REDACTED] was developmentally disabled and functioned at "about the level of eleven-year-old."

[REDACTED] was asked to describe what happened earlier that day. [REDACTED] stated, "he took a butcher knife and was gonna kill me" and began to cry.

[REDACTED] referred to George Appleby (Appleby) as Joe. When asked how she knew Joe and what their relationship was, [REDACTED] stated he was a friend, and she had known him for a couple of years. [REDACTED]'s sister Kelly then provided SA Valente with additional details regarding the relationship between her sister and Appleby. Kelly stated that Appleby had a history of violently physically assaulting her sister. Kelly described her sister as protecting Appleby and lying about injuries she sustained from him in previous assaults.

When asked what happened on this occasion, [REDACTED] stated, "I can't remember" and again began to cry.

SA Valente told [REDACTED] he noticed she had stitches on her neck and asked if those were the result of Appleby holding a knife to her neck. [REDACTED] stated "yes." When asked if she knew why he caused that injury to her, [REDACTED] stated "cause he's crazy."

When asked where she and Appleby were when the police arrived, [REDACTED] stated "in the bedroom, and they had to kick the door in." When asked how she got into the bedroom, [REDACTED] stated "I don't remember."

When asked if she was present when the officer shot Appleby, [REDACTED] stated "no, they got me out of there" and seemed to be surprised when her sister told her Appleby was killed by the police. Note that earlier in the interview, [REDACTED] volunteered that she knew Appleby had been killed by police during the incident.

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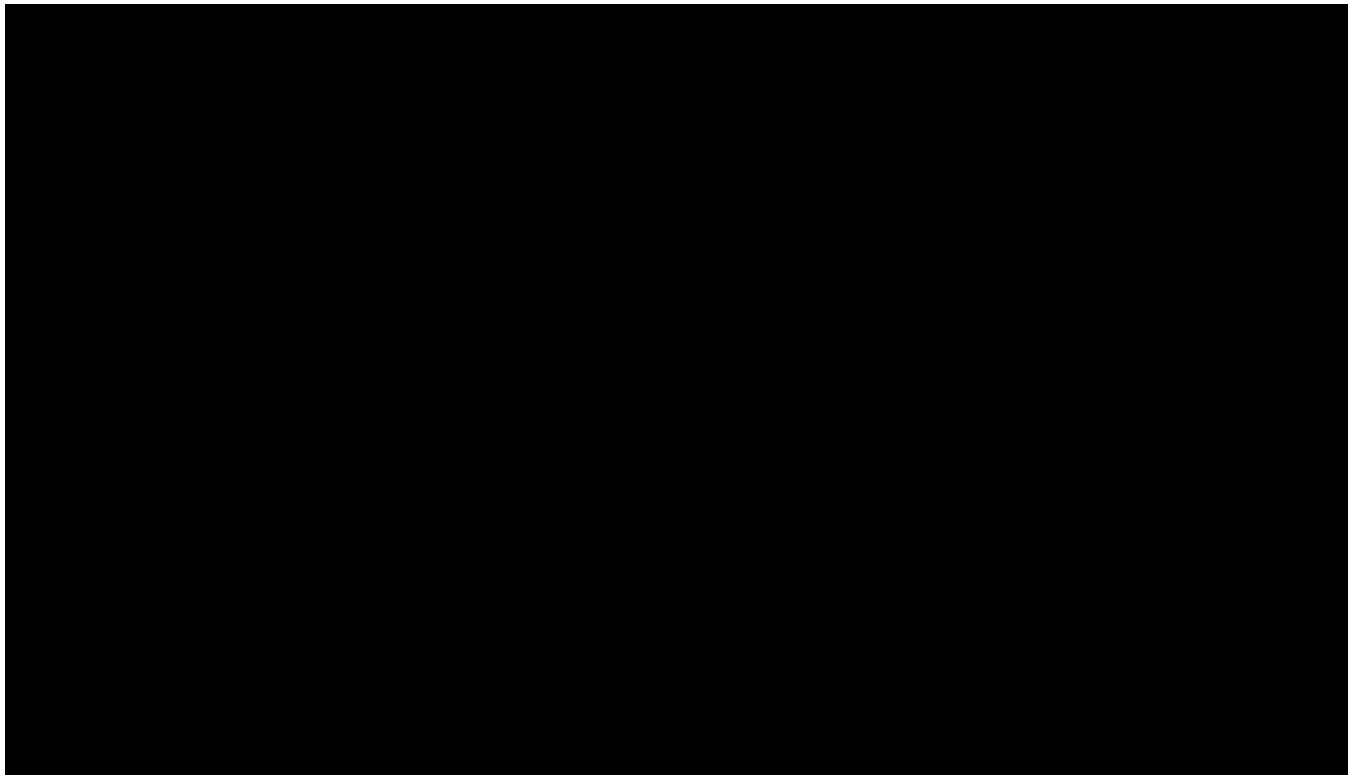
When asked if she heard the shooting, [REDACTED] stated "I'd have to ask my sister. I think I was here. I wasn't there. I don't know. I really don't know." When asked again if she saw or witnessed the shooting, [REDACTED] stated "no." SA Valente told [REDACTED] he was under the belief she was in the apartment when the shooting occurred. [REDACTED] replied "Oh no."

Throughout the interview, [REDACTED] seemed distraught, annoyed, and mostly focused on leaving the hospital.

For additional information refer to the video recorded interview stored as Reference Item A and the Investigative Report titled *2023-09-03: Witness Interview* [REDACTED]

Injuries

Emergency Medical Transport Inc. transported [REDACTED] to Aultman Alliance Community Hospital for two cuts on her neck. This was documented in Emergency Medical Transport Inc. Run Report 23-73008 as depicted below:



Page 1 - EMT Run Report 23-73008

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During [REDACTED]'s interview, she had blood visible on her hands, chest, and neck. She also had 4 fresh stitches present on the left side of her neck. Her injuries were photographed are depicted below:



2023-09-03: Photograph of [REDACTED] Injury - IMG_0267

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2023-09-03: Photograph of [REDACTED] Injury - IMG_0266

For additional details refer to Emergency Medical Transport Inc. Run Report 23-73008, the original photographs of [REDACTED]'s injuries, and the Investigative Report titled 2023-10-24: *Review of EMS Reports*.

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Law Enforcement Witnesses

The following section contains an abbreviated version of the witness officer's observations and account of his or her actions pertaining to this incident.

Officer Lee Rose Interview

Officer Rose was stationary in his patrol car, working traffic enforcement, when he heard a 911 call come in regarding this incident. Officer Rose believed the female caller "said something to the effect of he has a knife to her, and he had cut her." Officer Rose responded to the address of this incident. Upon arriving, Officer Rose encountered an unknown woman standing outside the home. The woman directed Officer Rose to the back of the multi-unit home. Once Officer Rose reached the back of the home, he encountered three additional people standing outside. These three people directed Officer Rose up the stairs to the unit where the subject was located. These people also "said something to the effect of "He's cut her. He's got a knife. You're going to have to kill him."

Officer Rose went up the stairs to the front door of the unit. Officer Rose was able to see inside the residence through a large glass window in the center of the front door. When Officer Rose looked inside, he saw the subject "standing behind a female, uh, elderly female subject, he had a, I believe it was his right arm wrapped around her neck and upper chest area, and he was holding a large knife. He was screaming something, but I couldn't tell what he was screaming or yelling. Um, but he was essentially using her as a human shield, keeping her in between us. I announced who I was. Told him to drop the knife, or uh, drop it or something along those lines. I, uh, he then slowly started backing up, keeping her in front of him, back into that L hallway."

Officer Rose radioed to his fellow officers that the subject was "retreating in the house with the female at knife point." Officer Rose radioed that he was going to try to make entry. Officer Rose then kicked the front door but was unable to make entry. One of the men who was standing outside gave Officer Rose a brick. Officer Rose used the brick to bash out the window of the door to the house. Officer Rose reached inside and unlocked the deadbolt and door lock. Once inside, Officer Rose yelled out, asking where the subject was. No one responded to his question. Officer Rose quietly walked through the residence attempting to locate the subject. Officer Rose heard the subject speaking to the hostage from behind the bedroom door but could not make out what he was saying. Sergeant Minich arrived around this time. Officer Rose thought he tried the bedroom door handle and found it to be locked.

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Around this point in time, the subject yelled something at the officers similar to "If you go away, I'll, you know, I'll come out or something." Sergeant Minich attempted to kick the bedroom door open. Officer Rose pointed out the door opened in their direction and kicking it would not work. Officer Rose radioed for someone to bring a halligan tool, so they could try and pry the door open. During this time, Detective Toussant and Officer Tallman arrived at the scene. Once these two additional officers arrived with the halligan tool, the subject began to yell at them again. The officers continued to give the subject commands to come out, and the subject continued to tell them to go away.

Officer Tallman began attempting to pry the bedroom door open with the halligan tool. Officer Rose noticed that Detective Toussant had his rifle with him at that moment. Officer Rose then had Detective Toussant switch places with him so that Detective Toussant would be in the "number one position" when the door opened. Officer Rose and Detective Toussant serve on the SWAT team together, and based on their training, Officer Rose switched places so that the person with the rifle would be the first to enter the room.

Sergeant Minich took over for Officer Tallman in attempting to pry the door open. Sergeant Minich was eventually able to get the door open. Once Sergeant Minich opened the door, Detective Toussant stepped onto the threshold. Officer Rose was able to see over Detective Toussant's shoulder as the door opened. Officer Rose saw the subject was still holding the female as "a human shield." Officer Rose stated "He (the subject) still had his hand wrapped around her upper chest neck area with the large steak knife in his hand." Officer Rose believed someone gave the subject an order to drop the knife or something similar thereto. The subject did not comply with the order and Officer Rose heard Detective Toussant fire his rifle two times. Detective Toussant then stepped into the room.

Officer Rose was then able to enter the bedroom himself. Once inside the bedroom, Officer Rose noted the subject "had a very severe head wound." Officer Rose noted that due to the subject's injuries, he did not believe he was a continued threat. Officer Rose picked up the female who had fallen to the ground and helped her move aside. Officer Rose escorted the female out of the residence. While escorting the female out of the residence, Officer Rose saw "probably a two-inch gash" on the female's neck. Members of the fire department entered the room to render aid to the subject. Once Officer Rose escorted the female to an EMS worker or member of the fire department, he was advised to return to a cruiser and await BCI's arrival.

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Officer Rose stated that he did fear for his safety when the bedroom door was opened because he did not know what potential other weapons the subject may have had time to possess while he was locked in the bedroom. Officer Rose stated he also feared for the other officers and was especially fearful of what could have happened to the female hostage. Officer Rose believed the subject "was probably going to kill her."

Officer Rose believed retreating was not a viable option due to the necessity to rescue the female and the potential risks to her life at the time.

Officer Rose believed he likely interacted with the subject on a single prior occasion approximately two years ago when he responded to the same residence in relation to a welfare check of another individual. Officer Rose's prior interaction with the subject did not involve any investigative action on his part concerning the subject.

For additional details refer to the video recorded interview stored as Reference Item C and the Investigative Report titled *2023-09-22: Witness Officer Interview - Officer Lee Rose*.

Officer Chad Caughey

Officer Caughey reported he was clearing an unrelated call when he heard radio traffic pertaining to this incident, and he noted the urgency in the involved officers' voices. Officer Caughey then reviewed brief notes entered about the call on his in-car computer and drove to the residence in question while utilizing his vehicle's emergency lights and sirens. Upon arriving at the scene, tenants and other bystanders directed him to go up the stairs at the back of the building. Officer Caughey went up the stairs and entered the residence. Once inside, Officer Caughey observed Sergeant Minich with a halligan tool in his hands and "starting to pry at the door." Officer Caughey also observed Officer Toussant and Officer Tallman in the area. Because of the narrow nature of the hallway, Officer Caughey stood behind Officer Tallman.

Officer Caughey stated once the (bedroom) door opened, Sergeant Minich moved out of the way and Officer Toussant was "able to slide into position." Describing what he observed next, Officer Caughey stated "It happened so fast. It happened right then and there. I heard; I heard the shots. That was it."

Officer Caughey explained that due to the prior call he was handling, he missed the original information that dispatchers provided to the officers over the radio. When Officer Caughey reviewed the information related to the call on his in-car computer, he noted it was entered as "a cutting" and based on the radio traffic he heard from an

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officer to bring a halligan tool into the residence, he believed the call was for a person who had cut themselves and barricaded themselves in the bedroom. Officer Caughey was not aware that someone had been cut by a second party and taken hostage. Officer Caughey did not become aware there was someone being held against their will until the bedroom door was opened.

When asked what he saw when the bedroom door was opened, Officer Caughey reported due to his positioning in the hallway, he did not have a good vantage point and only partially saw the involved female's shoulder and half of her face.

Officer Caughey did recall observing the female bleeding. Officer Caughey stated he "was guessing" she was bleeding from her arms but did not have an opportunity to look closely at her or her injuries.

Officer Caughey did not recall seeing a weapon present when the door was opened.

When asked how many gunshots he recalled, Officer Caughey stated "two."

Officer Caughey did not know who fired the shots he heard.

Officer Caughey reported that when the officers entered the room, he observed Officer Tallman step over the subject and kick a knife away from him.

Officer Caughey did not administer first aid to the subject. Officer Caughey intended to administer first aid to the subject but did not, due to the extent of the injuries suffered by the subject. Officer Caughey felt, due to the extent of the subject's injuries, there was nothing he could do to help him.

When asked if he feared for his safety while waiting to make entry into the room, Officer Caughey stated he did.

For additional details refer to the video recorded interview stored as Reference Item C and the Investigative Report titled *2023-09-22: Witness Officer Interview - Chad Caughey*.

Officer Shane Tallman

Officer Tallman was at the APD eating lunch when he heard information on the public address system in the building regarding a 911 call. The broadcast included "he has a knife to her throat or something along those lines" and that statement caught his attention. Officer Tallman stopped eating his lunch and responded to the call. Officer Tallman heard one of the APD officers request a halligan tool. Officer Tallman acquired the halligan tool and responded to the scene.

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When Officer Tallman arrived, he found "several people in the backyard yelling 'You gotta get him, you gotta stop him' or something similar. Officer Tallman arrived after Officer Rose, Officer Caughey, and Sergeant Minich. Officer Tallman found these officers yelling at the subject through the bedroom door. The subject yelled back at the officers something along the lines of asking them to leave. The group of officers already in the apartment directed Officer Tallman to strike the hard-wooden door. Officer Tallman struggled with using the halligan tool due to the narrow nature of the hallway and lack of space to properly use the tool. Sergeant Minich then took over, using the halligan tool to try and open the door. Officer Tallman then positioned himself behind Officer Rose. Officer Rose had his pistol out, so Officer Tallman drew his taser for a less lethal option. Officer Tallman was then at the back of the group of officers looking at the door.

Moments later, the officers were able to force the door open. Officer Tallman explained when the door opened, he attempted to reach over Officer Rose to tase the subject. At that moment, Officer Tallman saw "this long knife, he had this long knife, and, and she had her hands, I think she had her hands on, uh, on his arm that had the knife going up to her throat. And, whew, I'm sorry if this starts to bother me a little bit. So, I'm thinking about, I'm thinking about trying to get the Taser darts, this all goes through my head really fast. Because I know it's a red zone, uh, uh, meaning serious harm or death. Meaning, I try to get it up towards his head because he has her almost like you would see in the TV-type hostage situation and without hitting her, and that's when I heard the two shots fired. Um, he dropped. She went to the ground. I yelled at uh, uh, Officer Rose 'get her out of here, get out of here.'"

Officer Tallman recounted that he then ran into the bedroom and kicked the knife away from the subject. Officer Tallman approached the subject to render first aid and based on the subject's physical condition, Officer Tallman determined he would not be able to render any aid to the subject. Officer Tallman exited the bedroom, threw up in the bathroom, and exited the apartment.

When asked where the knife was when he first noticed it, Officer Tallman stated it was near the female's throat. As shown below, Officer Tallman then demonstrated how large he recalled the blade of the knife was.

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Officer Tallman demonstrating the size of the knife blade held by the subject - 11:22 on interview video recording (face blurred).

Officer Tallman remembered officers giving the subject commands, and believed those commands were “drop it” or “drop the knife” but did not recall specifically the wording of orders given to the subject.

When asked how much time transpired between the door opening and the shots being fired, Officer Tallman stated it was “seconds.” Officer Tallman was able to observe blood on the female’s shirt in that short time before the shots were fired.

When asked if he feared for his safety, Officer Tallman stated he had a heightened concern for the safety of all the officers and the female victim during the incident.

Officer Tallman told agents his statements made to them during the interview were based on his recollection of the event rather than his single review of his body-worn camera recording the morning after the incident occurred. Officer Tallman stated in the moment the events described above unfolded, he felt like the officers stood outside the door for a period of time before entering the bedroom, but upon review of his body-worn camera recording, he felt their entry into the room was instantaneous.

When asked why the officers did not leave the apartment after the subject made statements to them through the door to leave, Officer Tallman stated the witnesses reported the subject had a knife to the subject, and they did not know her condition. 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.



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For additional details refer to the video recorded interview stored as Reference Item C and the Investigative Report titled *2023-09-22: Witness Officer Interview - Officer Shane Tallman*.

Sergeant Stephen Minich

Sergeant Minich reported that he was the APD shift sergeant at the time of the officer-involved shooting. Sergeant Minich recalled that while speaking with a friend in the community, he overheard a call dispatched to an APD officer where the dispatcher advised the officer "he's got a knife to her throat." Upon hearing this, Sergeant Minich told his friend he needed to leave and began responding to the scene. Sergeant Minich was able to listen to the 911 call while responding to the scene.

While Sergeant Minich was responding to the scene, he heard APD Officer Lee Rose (Officer Rose) arrive and broadcast over the radio "He's standing on the balcony. He's got a knife to her throat." Officer Rose then reported over the radio that the subject retreated back into the house with the hostage.

When Sergeant Minich arrived on scene, he noticed the 911 caller outside. The 911 caller directed Sergeant Minich to the back of the residence where the entrance door to the subject's unit was located. When Sergeant Minich got to the back of the multi-unit home, Officer Rose asked him for a ram (to force the front door to the subject's residence open). Sergeant Minich did not have a door ramming tool in his patrol vehicle. Officer Rose then used a brick provided by a neighbor to break out the glass in the front door of the subject's unit. Officer Rose was able to break out the glass in the door and make entry into the unit. Sergeant Minich recalled there were neighbors present in the backyard at that time and one of the neighbors yelled at him "Hurry up, he's going to kill her" or something similar. Sergeant Minich then went up the stairs, into the unit, and located Officer Rose. Once inside the unit, Sergeant Minich was made aware that the subject and hostage were in the bedroom at the end of the hallway and the door to the bedroom was shut and locked.

Officer Rose yelled at the subject "Open the door. Come outside. Drop the knife. Come outside." The subject replied that he would not comply unless they left. Sergeant Minich then kicked the locked bedroom door two or three times but was unable to get the door open. Officer Rose continued conversing with the subject through the door utilizing crisis intervention training (C.I.T.) techniques and continued to try and persuade the subject to open the door. The subject could not be persuaded to unlock

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the door and exit the room. Officer Rose then requested an officer bring a door ram or halligan pry bar tool to them.

Officer Rob Toussant (Officer Toussant) arrived on scene. Officer Toussant announced his presence to the other officers and entered the apartment. Officer Toussant asked Officer Rose if he brought his "long gun." Officer Rose stated "yes." Officer Rose and Officer Toussant are both members of the S.R.T. team and train together. Officer Rose and Officer Toussant then switched places. Officer Toussant was then in the bathroom doorway closest to the locked bedroom door. Officer Rose was then behind Officer Toussant with his pistol. Sergeant Minich believed he was "less lethal" (not actively holding a firearm but a taser or other device) at that moment.

The officers continued their attempts to convince the subject to surrender via talking through the door. The subject continued to ignore their commands and requests. The subject said "You guys just need to leave. I won't do it. I'm not coming out" and other similar statements. When later asked what he believed the subject meant when he said "I won't do it," Sergeant Minich told BCI agents that he recalled one of the officers or someone on the 911 call stating the hostage was bleeding from the neck, and based on that information and knowing the subject was holding a knife to the neck of the victim the subject meant that he would not kill the hostage if police left.

Officer Shane Tallman (Officer Tallman) and Officer Chad Caughey (Officer Caughey) then arrived on scene and began to assist. Sergeant Minich could not recall if Officer Tallman or Officer Caughey arrived first. Officer Tallman brought a halligan tool to pry the bedroom door open. Officer Tallman used the halligan tool on the door but was unable to pry it open. Sergeant Minich described the hallway as narrow and not providing the needed extra space for the side of the door, the halligan tool required to work effectively. Officer Tallman grew tired and frustrated with being unable to open the door. Sergeant Minich and Officer Tallman switched places and Sergeant Minich began attempting to force the door open with the halligan tool.

Eventually, Sergeant Minich was able to get the door to open. When the door first opened, Sergeant Minich believed he had said to Officer Toussant "ready", and Officer Toussant replied back "ready" as well. Sergeant Minich then quickly opened the door. Sergeant Minich did not remember what he said next but did recall from watching his body-worn camera recording of the event that he said "Go, go, go. There he is, there he is, there." Sergeant Minich continued "And Rob Toussant's job was done at that point." Sergeant Minich described seeing the victim standing in front of him and seeing the subject's head peak out from around the victim. Sergeant Minich recalled Officer

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Toussant having fired his rifle two times and the subject's head "disappearing." When later asked what exactly he could see in the bedroom when the door was opened, Sergeant Minich stated that due to the narrow nature of the hallway, once he opened the door, he had to make way for the officers to pass him so that they could enter the room. Sergeant Minich stated he believed he saw the subject standing behind the hostage while holding a large knife somewhere to her upper body, but not her neck. The subject was positioned directly behind the hostage and was holding her as a human shield. The subject took a half step back with the victim, poked his head out from behind the hostage and that was when Officer Toussant fired his rifle at the subject two times. Sergeant Minich noted that the subject's face seemed to disappear after the shots were fired. Both the subject and hostage fell to the ground after Officer Toussant fired his weapon.

When later asked if he feared for his safety or the safety of anyone else during the event, Sergeant Minich stated he did not fear for his safety or that of the other officers, noting that some of them have specialty in SWAT training. Sergeant Minich did say, however, he feared for the life of the female hostage. Sergeant Minich stated he was relieved. When the officers were finally able to open the door, the female was still alive. Sergeant Minich recalled that when the door was opened, he was surprised to see the female standing up. While recalling his surprise to see the hostage standing in front of the officers when they were able to open the door, Sergeant Minich stated, "She actually had a hold of his hands, I thought, at one point in time or was trying to make a move, but it was like she was, she was alive which was very good to see because I thought we weren't going to see that." When asked if he believed they would find the hostage to have been killed by the subject, Sergeant Minich stated he believed that was likely and cited a similar previous incident where the hostage was killed before police were able to enter the room.

Relieved that none of the officers appeared injured, Sergeant Minich began taking control of the scene. Sergeant Minich requested emergency medical personnel, who had previously been staged nearby, to respond to the residence. Sergeant Minich had Officer Toussant exit the apartment and return to a patrol vehicle. Sergeant Minich also expedited the hostage in vacating the residence. Sergeant Minich had Officer Rose and Officer Caughey secure Officer Toussant's rifle. Sergeant Minich further told Officer Rose and Officer Caughey to return to their patrol vehicles, not speak to anyone, and await further instruction. Sergeant Minich did not hear the female hostage make any statements to the officers or subjects prior to the shooting.

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Sergeant Minich believed he had previously responded to the location where the officer-involved shooting occurred. Sergeant Minich had previously dealt with the subject before and recalled interacting with him in a prior incident that involved the subject yelling at his children. Sergeant Minich knew the subject to have anger issues, mental health issues, and a history of drug abuse, specifically methamphetamine. Sergeant Minich did not know for certain that George Appleby, the subject, was the person who was involved in this incident prior to his arrival. Sergeant Minich believed George Appleby was likely the subject of the 911 call, however, based upon the location of the incident and the caller referring to the man involved as "George."

For additional details refer to the video recorded interview stored as Reference Item C and the Investigative Report titled *2023-09-13: Witness Officer Interview - Sgt. Stephen Minich*.

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Involved Law Enforcement Officer

BCI conducted a video recorded interview with the involved officer and reviewed his personnel file and training records. Included within this section are abbreviated versions of the involved officer's account of his or her actions pertaining to this incident and the discharging of his weapon.

Officer Robert Toussant Interview

Officer Toussant has been a police officer for 5 years and has worked for the Alliance Police Department for 2 ½ years. During the incident, he wore his standard police uniform and operated an APD marked cruiser.

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.

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 once already. He read through the call notes, could 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 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.

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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 despite Appleby saying if the officers left, He (Appleby) would not kill the female victim.

Officer Toussant explained that 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 with the ability to see into the room immediately upon the door being opened.

When Sergeant 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 estimated the blade was approximately one foot in length.

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.

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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.

For additional details refer to the video recorded interview stored as Reference Item C and the Investigative Report titled *2023-09-22: Involved Officer Interview - Officer Robert Toussant*.

Officer Toussant Employment and Training Records

Records regarding Officer Toussant's employment as a police officer were received from the APD. The records included applicant and new hire paperwork and training records. Officer Toussant had no discipline.

Ohio Peace Officer Training Commission records indicated Officer Toussant attended the Kent State University Police Academy as part of class BAS17-083. Officer Toussant completed the academy and was certified on 8/6/2018. Officer Toussant was awarded certificate number 172199.

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Officer Toussant began his law enforcement career on 8/6/2018 with the Smith Township Police Department as a part-time officer. Officer Toussant served as an auxiliary officer with the Minerva Police Department from 2/20/2019 through 4/1/2019 when he began service as a full-time officer with the Minerva Police Department. Officer Toussant left the Minerva Police Department on 10/2/2019. Officer Toussant returned to the Smith Township Police Department in a full-time capacity on 10/3/2019, where he worked until 4/2/2021. Officer Toussant joined the Mahoning County Sheriff's Office as a reserve deputy on 10/16/2019 and still holds this position. Officer Toussant joined the Alliance Police Department in a part-time capacity on 3/15/2021 and still holds this position.

Officer Toussant completed numerous law enforcement related trainings to include the following courses directly related to this incident or the use of force:

- BCI Lethal Use of Force and OIS Investigations - completed 12/1/2022
- Critical Thinking in Use of Force Situations - completed 12/1/2022
- Teams Shoot House - completed 6/19/2022
- Mechanical, Ballistic, Thermal, and Explosive Breaching - completed 6/16/2022
- Basic SWAT - completed 5/3/2019
- Peace Officer Basic Training Academy - completed 5/31/2018

Officer Toussant last qualified with his Spikes Tactical ST15 Rifle (S/N: [REDACTED]) in low light on 9/23/2022. This was the firearm Officer Toussant fired during this incident. Additionally, Officer Toussant also qualified with a sniper rifle (not used in the incident) on 7/30/2023. That qualification included a "hostage shot" scenario which Officer Toussant successfully completed.

For additional details refer to the actual records and the Investigative Reports titled *2023-09-25: Review of Personnel File, Training Records, and Firearms Qualifications* and *2023-09-20: Review of O.P.O.T.C. Records*.

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2023-2306

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

Subject Information - George Appleby

This section contains information about the involved subject, George Appleby.

George Appleby - Background, Computerized Criminal History

Background information for Appleby was compiled and reviewed. It included researching past police reports involving Appleby, criminal history records, court records, open/closed source database inquiries and social media posts.

Database Searches

A LexisNexis report was obtained and reviewed. Nothing relevant to the investigation was noted.

Social Media

A single Instagram account was found bearing Appleby's name and image. Multiple Facebook accounts were found that displayed both Appleby's name and image. Those accounts were listed below:

1. <https://www.facebook.com/profile.php?id=100075465504215>
2. <https://www.facebook.com/profile.php?id=100080260089620>
3. <https://www.facebook.com/joekoegeorge1234>
4. <https://www.facebook.com/george.appleby.129>
5. <https://www.facebook.com/george.appleby.948>
6. <https://www.facebook.com/george.appleby.315>
7. <https://www.facebook.com/george.appleby.18847>
8. <https://www.facebook.com/george.appleby.9822>
9. <https://www.facebook.com/profile.php?id=100071949349655>
10. <https://www.facebook.com/profile.php?id=100082027415087>

Nothing was found on any of Appleby's public Facebook accounts that was noteworthy to this investigation.

Prior Law Enforcement Contacts

APD provided records regarding all previous encounters the agencies had with Appleby. There were 44 documented encounters dating back to 1982.

1. Untitled Incident occurring in 1982
 - a. Appleby was charged with Petty Theft and Resisting an Officer
2. Incident 94-05781

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- a. In 1994, Appleby was named the suspect in an aggravated burglary complaint. No further information regarding this allegation was included in the report.
3. Incident 95-01620
 - a. In 1995, Appleby was arrested for Domestic Violence and Firing/Discharging a Weapon. No further information regarding this incident was included in the report.
4. Untitled Incident occurring in 1995
 - a. Appleby was charged with Domestic Violence and Firing/Discharging a Weapon
5. Untitled Incident occurring in 1996
 - a. Appleby was charged with Felonious Assault
6. Untitled Incident occurring in 1996
 - a. Appleby was charged with Domestic Violence
7. Untitled Incident occurring in 1997
 - a. Appleby was charged with drug abuse (marijuana).
8. Untitled Incident occurring in 1997
 - a. Appleby was served a summons for an unknown/undocumented offense.
9. Incident 98-11032
 - a. In 1998, Appleby was listed as the victim of a petty theft. No further information regarding this incident was included in the report.
10. Untitled Incident occurring in 1999
 - a. Appleby was arrested on an unknown/undocumented warrant.
11. CAD Call 226228
 - a. In 2002, APD received a complaint of Appleby yelling while outside in public while intoxicated. Appleby was advised to calm down and complied.
12. CAD Call 228571
 - a. In 2002, APD was dispatched to a complaint of Appleby playing music loudly, yelling, and throwing stuff. Police advised Appleby to keep the noise down.
13. CAD Call 228680
 - a. In 2002, APD responded to an apparent complaint of Appleby requesting assistance with evicting his girlfriend at the time.
14. Incident 02-03107
 - a. In 2002, APD arrested Appleby for domestic violence after he struck his then girlfriend in the face with his fist multiple times.

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15. CAD Call 237632
 - a. In 2002, APD responded to a complaint of Appleby and others who were drunk and engaging in a verbal dispute. Appleby left the area, and the matter was resolved (without arrest or citation).
16. CAD Call 247874
 - a. In 2002, Appleby called APD reporting his girlfriend / ex-girlfriend at the time would not let him inside the home to remove his belongings. APD arrived and the female permitted Appleby to take his belongings.
17. CAD Call 342642
 - a. In 2003, Appleby called police and advised them that his son was assaulted by his mother's boyfriend. Police investigated and Appleby's son was returned to his mother.
18. CAD Call 519696
 - a. In 2005, APD responded to a complaint of Appleby being intoxicated and causing problems. Appleby left the residence, and the matter was settled.
19. Incident 05-05046
 - a. In 2005, Appleby was playing cards with a group of people when a female assaulted another female. There is no record of Appleby being involved in the altercation beyond being present at the time.
20. Accident 050426456
 - a. In 2005 Appleby was a passenger in a vehicle involved in a collision.
21. CAD Call 708032
 - a. In 2007, Appleby called police reporting his girlfriend at the time sold his phone. APD determined the female owned the phone and the matter was resolved.
22. CAD Call 1725069
 - a. In 2007, Appleby called APD and reported that his ex-girlfriend created a Facebook account in his name and used it to spread false information about him. Appleby could not locate the Facebook account when speaking with police and stated he would contact them later after finding it.
23. CAD Call 847799
 - a. In 2008, APD responded to a call of a man who was intoxicated and screaming obscenities. APD located the male, Appleby, who was advised to calm down and sent on his way.
24. Incident 08-03145

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- a. In 2008, Appleby was mentioned in an APD police report as living with a female who refused to leave the home of her daughter and was arrested.
25. Incident 10-02613
- a. Appleby was arrested by Alliance Police Department for petty theft.
26. Incident 13-01211
- a. In 2013, police responded to a complaint of a possible methamphetamine lab. Suspected marijuana and unknown pills were seized for testing. Appleby was present in the home at the time.
27. Incident 13-02572
- a. Appleby was arrested for selling heroin and crack cocaine to a confidential informant in the city of Alliance.
28. Incident 13-6782
- a. Appleby was arrested by APD on an outstanding warrant out of the Portage County Sheriff's Office for failing to pay fines stemming from an Operating a Vehicle While Impaired offense.
29. Incident Occurring in 2017 (Without Case Number Assigned)
- a. Appleby was arrested on a warrant out of the Stark County Sheriff's Office for trafficking heroin.
30. CAD Call 1751239
- a. In 2017, Appleby tried to start a fight with the child of his then girlfriend. The child walked away from the incident. APD advised Appleby he would need to allow the female (cohabitating) into their apartment upon her arrival home.
31. Incident 18-00658
- a. Appleby was issued citations for local ordinance violations of drug abuse (marijuana) and possession of marijuana drug paraphernalia.
32. Incident 18-00926
- a. Appleby was arrested on a warrant out of the Alliance Municipal Court for an original charge of Domestic Violence.
33. CAD Call 1940703
- a. In 2019, APD was called to assist Appleby in removing belongings from a residence.
34. CAD Call 1942484
- a. In 2019, Appleby called APD and reported a male pushed in his front door and Appleby locked the male in the basement. APD responded and arrested the male for Canton PD on a warrant.

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35. CAD Call 1942554
 - a. In 2019, Appleby called APD regarding a male removing property.
36. CAD Call 1942570
 - a. In 2019, Appleby called the APD and stated he was afraid to go into his house and he believed unknown people were sneaking around and would attempt to kill him.
37. CAD Call 1960901
 - a. In 2019, a neighbor called APD and reported people were fighting in the residence. When APD arrived, all parties stated everything was okay.
38. CAD Call 1962325
 - a. In 2019, a man called APD and reported Appleby approached him reporting someone punched Appleby in the mouth. APD arrived and found Appleby intoxicated. Appleby appeared to have fallen down a flight of stairs. His allegation of being the victim of an assault could not be corroborated.
39. Incident 1902080
 - a. In 2019, Appleby was cited for marijuana possession and marijuana paraphernalia possession. Appleby was also arrested on an outstanding warrant for failure to appear in an unrelated matter at the time.
40. Incident 20-01587
 - a. In 2020, APD arrested Appleby for assault, obstructing official business, and possession of marijuana after Appleby struck a woman in the throat and chest, possessed marijuana, and faked a medical emergency. In 2021, Appleby was arrested on a bench warrant for failure to appear in reference to this case.
41. Incident 21-9003
 - a. Appleby was arrested by APD on an outstanding warrant out of the Portage County Sheriff's Department for failure to appear and costs stemming from an original charge of Operating a Vehicle While Impaired.
42. Incident 21-02187
 - a. In 2021, APD responded to a disturbance call. APD found Appleby lying on the ground outside, unable to stand up, and highly intoxicated. Appleby swung at an E.M.T. who responded to the scene to provide aid to him. Appleby was arrested for disorderly conduct intoxication.
43. Incident 22-00221

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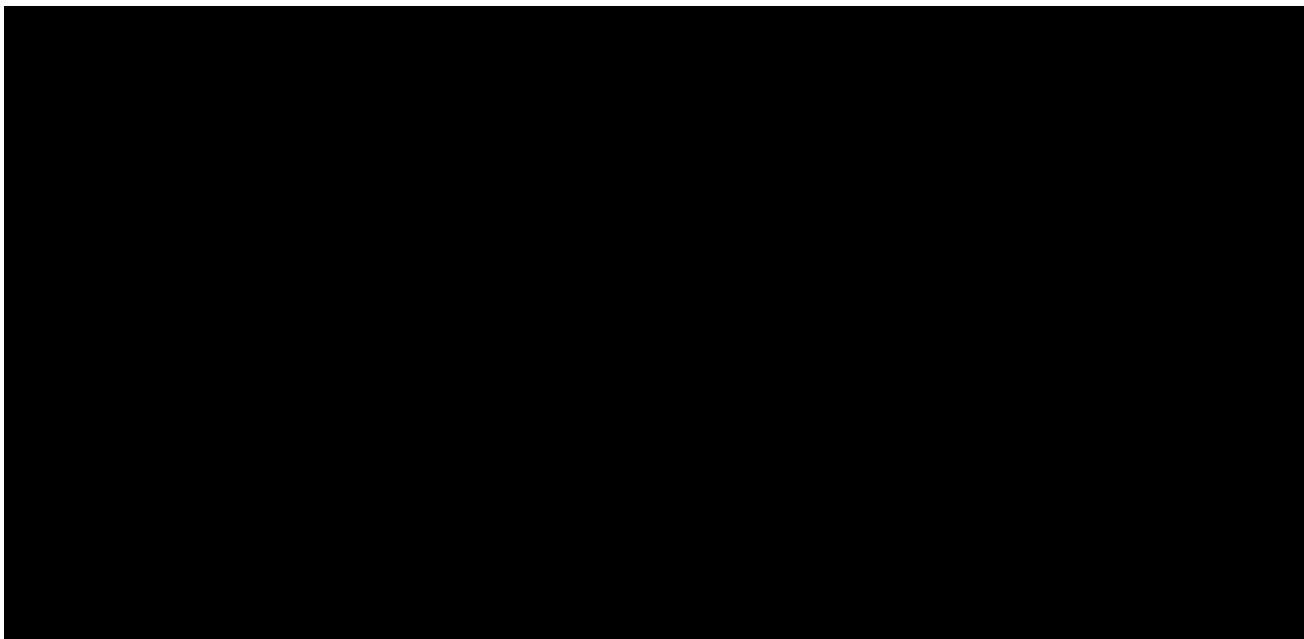
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County

- a. In 2022, Appleby was arrested by APD for felonious assault after he was found to have struck [REDACTED] [REDACTED] in the face and strangled her. Note that [REDACTED] is the female who was held as a hostage by Appleby during the incident in which he was shot and killed by APD that is the subject of this investigation. Appleby was also charged with resisting arrest for failing to comply with his arrest during this incident.
- 44.Incident 22-02011
- a. In 2022, APD Officer Toussant responded to a menacing call. The complainant alleged that Appleby threatened to kill him. The complainant believed Appleby could follow through on the threat. Note that Officer Toussant was the APD officer who shot and killed Appleby on September 3, 2023.

Computerized Criminal History:

At the time of his death, Appleby had an active warrant for his arrest. The arrest warrant originated out of the Stark County Sheriff's Office for absconding from the terms of probation after pleading guilty to a felony offense of domestic violence.

The table below displays information related to the charges outlined within Appleby's CCH:



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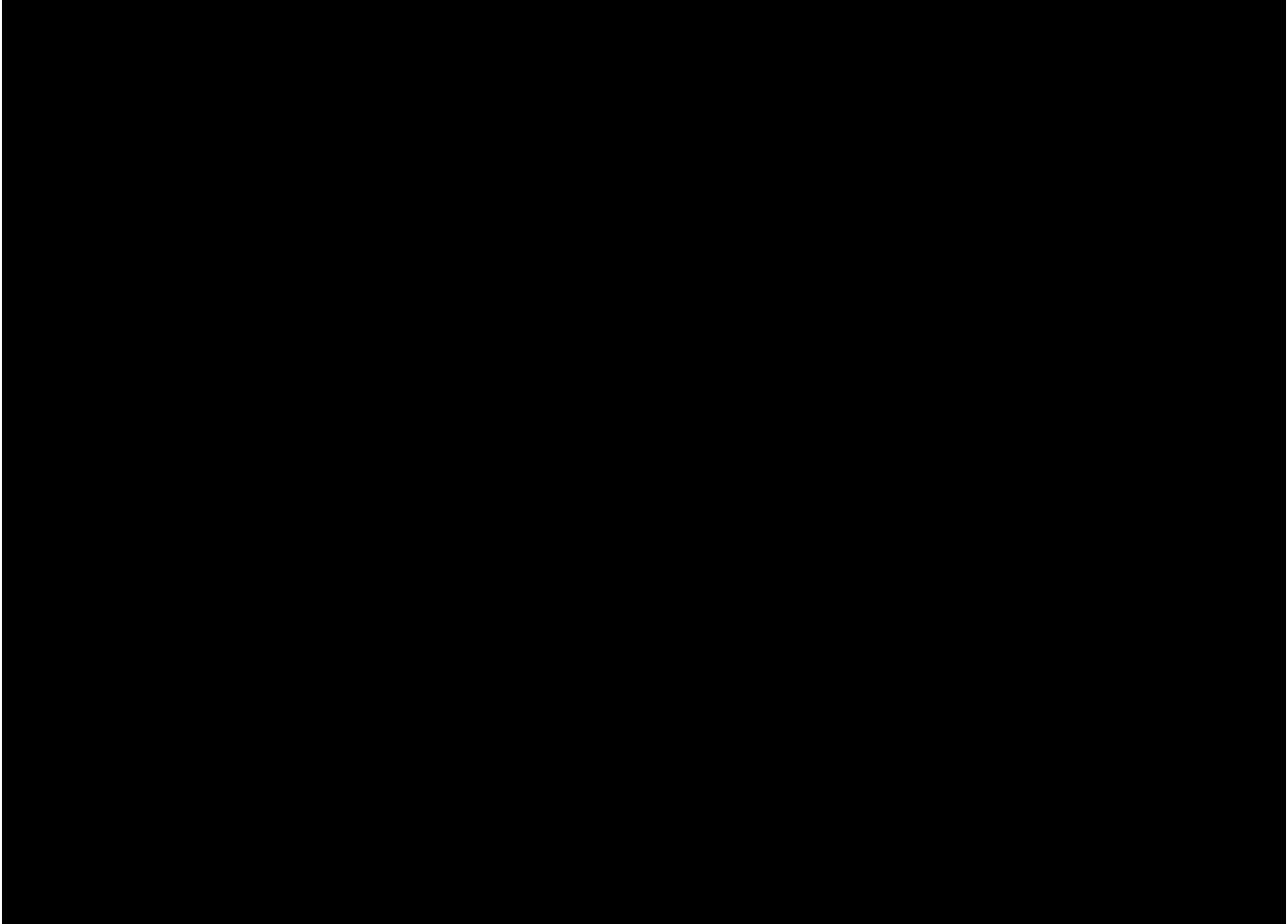


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Autopsy

This section contains information related to the post-mortem examination (autopsy) of Appleby.

Autopsy Attended

On Thursday, June 8, 2023, SA Armstrong attended the autopsy of Appleby at the Cuyahoga County Medical Examiner's Office. It was performed by Dr. Daniel Sullivan.



For additional details related to the autopsy refer to the investigative report titled *2023-09-05: Autopsy Attended*.

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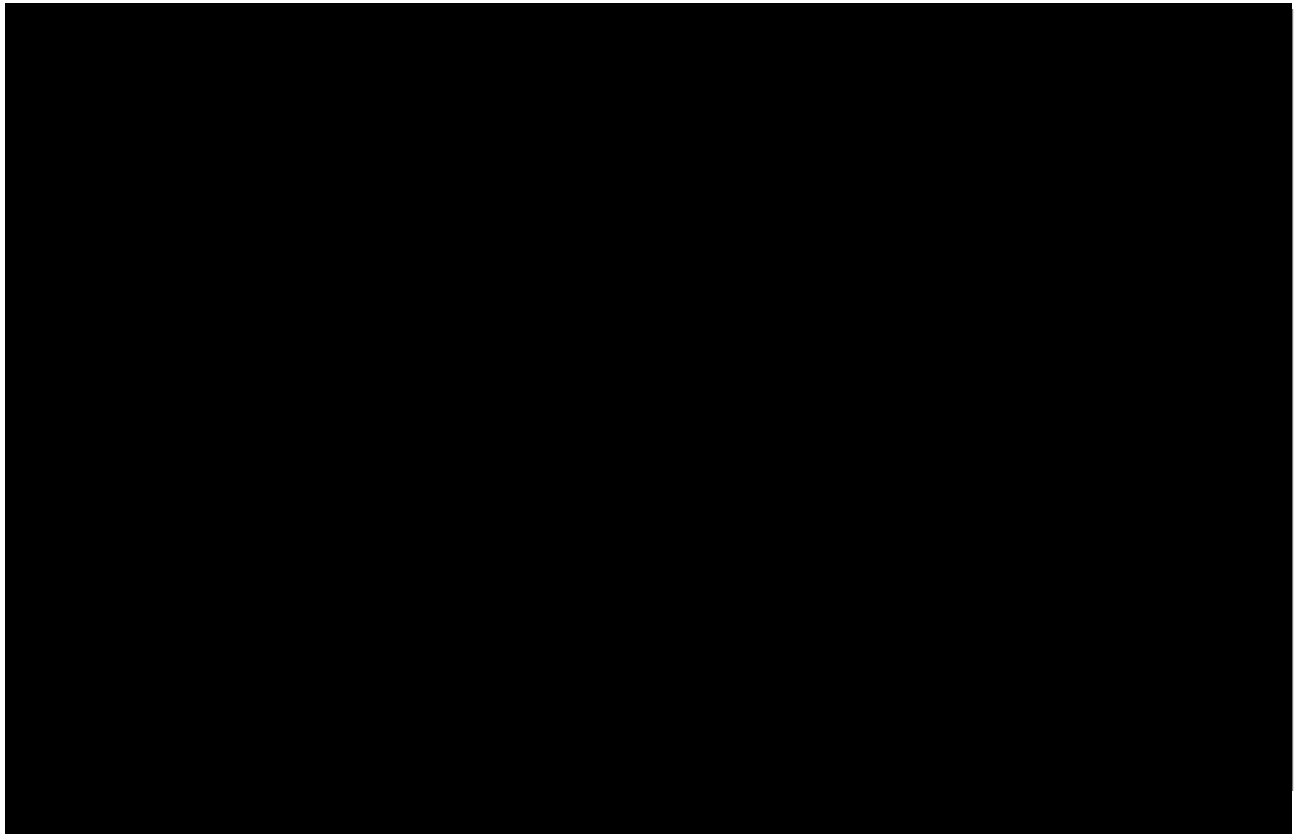


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Autopsy Report Reviewed

The autopsy report was authored by Chief Deputy Coroner of Stark County, Anthony P. Burtin, DO. The autopsy was performed by Cuyahoga County Medical Examiner's Office Dr. Daniel Sullivan on September 5, 2023, at 1015 hours. It identified both the cause and manner of death as depicted below:



Cuyahoga County Regional Forensic Science Laboratory, Toxicology Laboratory Final Report:



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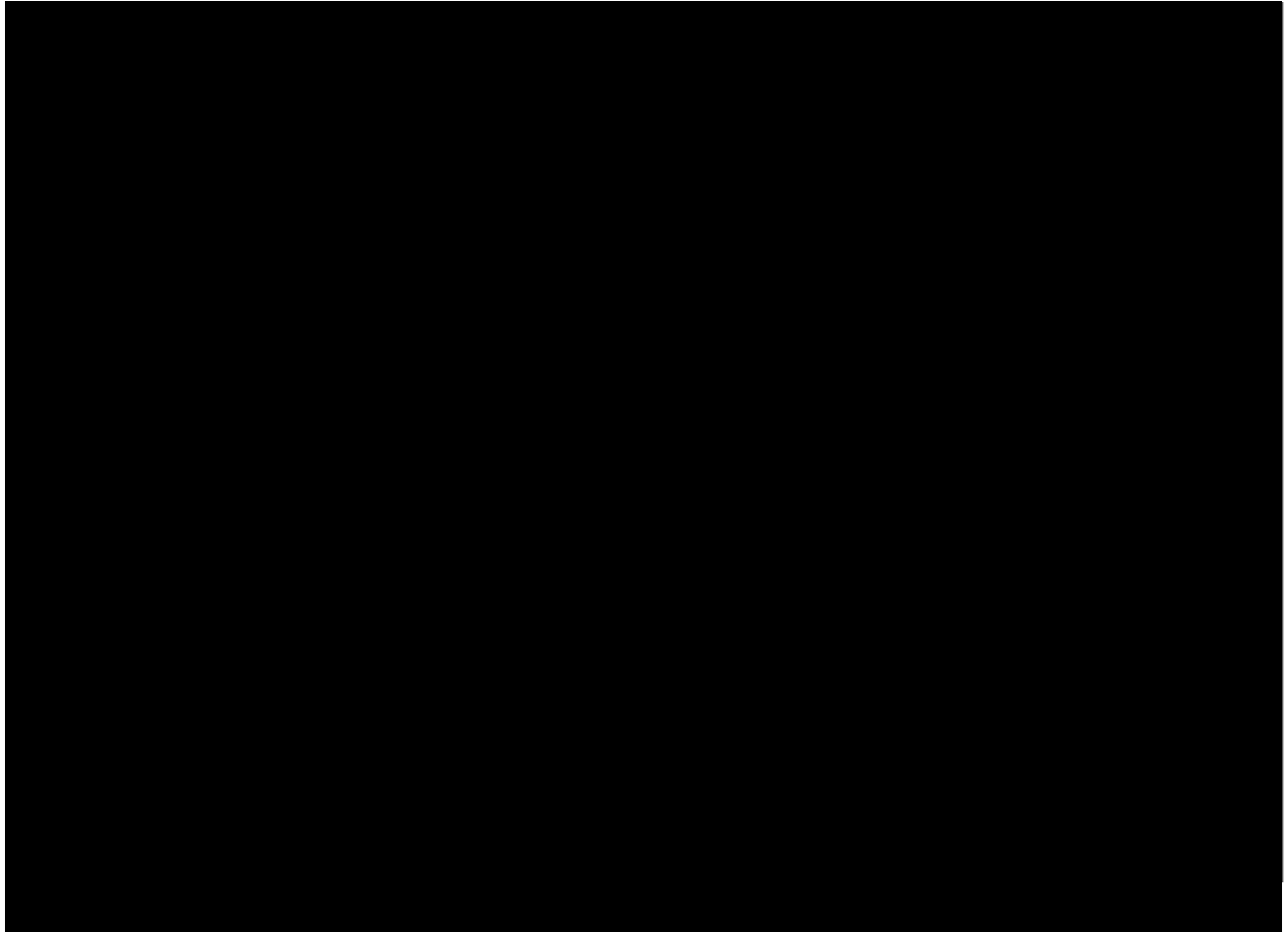


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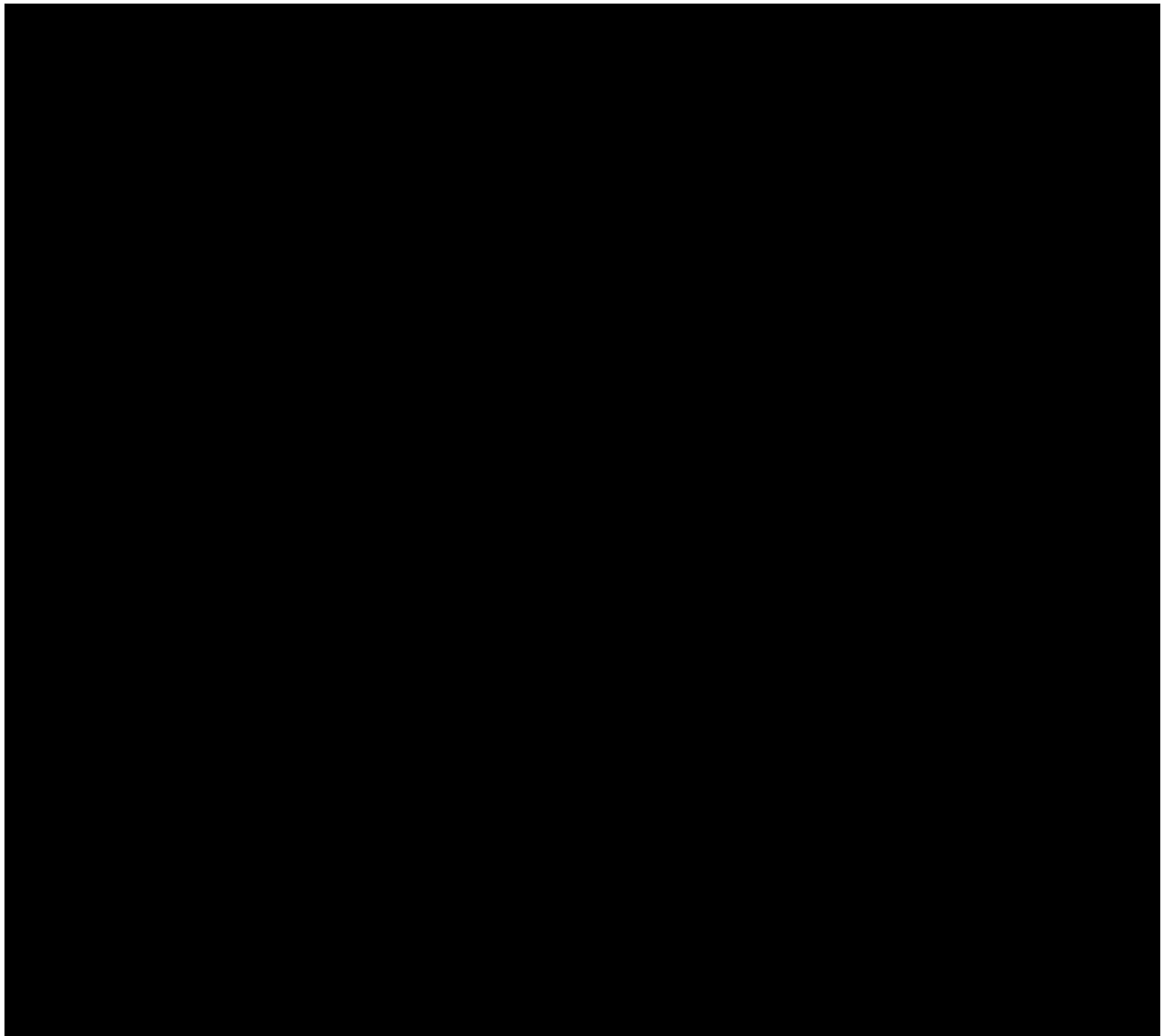


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Report of Autopsy:

The report of autopsy was authored by Doctor Daniel Sullivan. This report included an anatomic diagnoses section which included the following:



The External and Internal Evidence of Recent Injury section contained the following relevant details:

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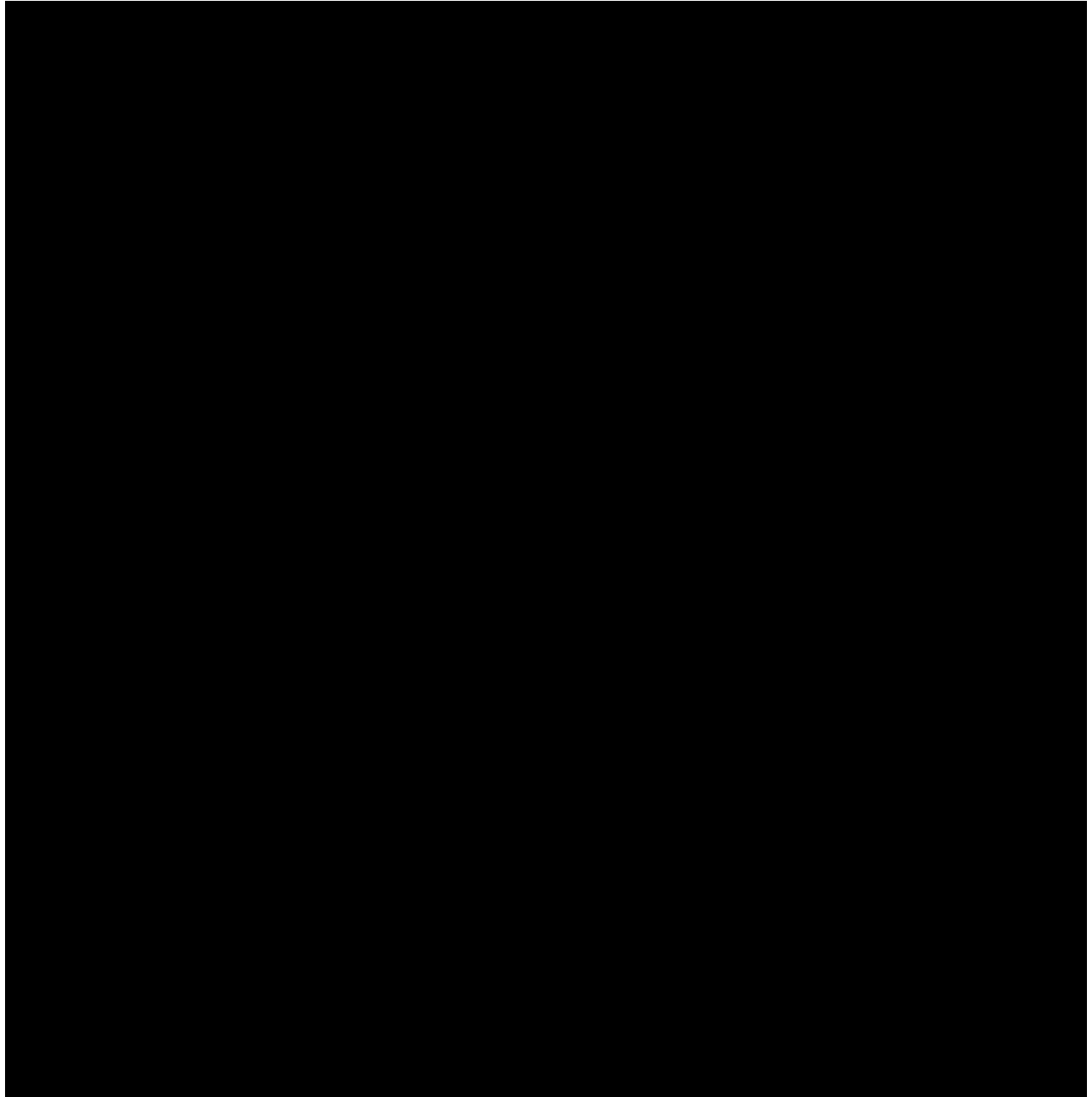


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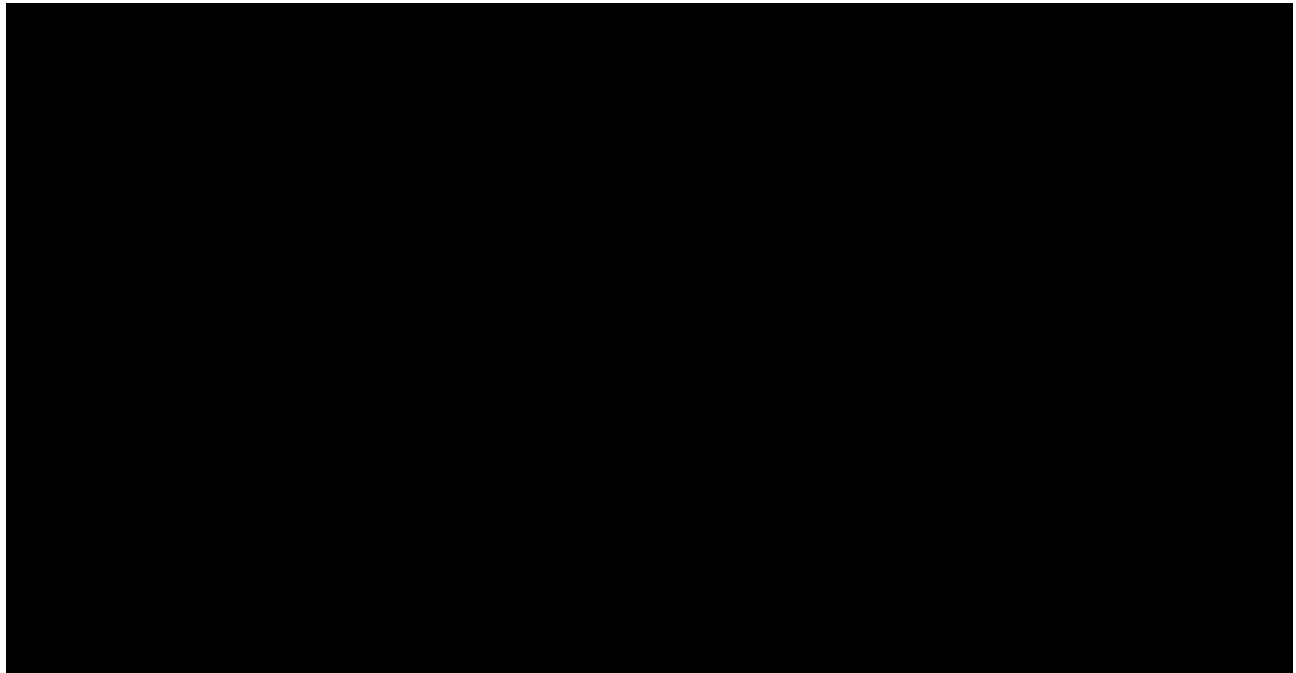


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For additional details refer to the actual autopsy report and the Investigative Report titled *2024-01-09: Review of Autopsy Report*.

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BCI Laboratory Analysis

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

Firearms

Officer Toussant's Spikes Tactical, Model STJ5, .223 caliber rifle, SN: [REDACTED] (Matrix Evidence Item #5) and two cartridge cases (Matrix Evidence Items #1 and #2) were submitted to the BCI Firearms Section for analysis. The examination was completed by Forensic Scientist Andrew Chappell and revealed the following:

Findings

Item Description	Comparison	Conclusion
Item #3 – Spikes Tactical rifle	N/A	Operable
	Items #1 & 2 – two (2) 223 Remington fired cartridge cases	Source Identification (see remarks)

Remarks

Microscopic comparisons of Items #1 and 2 with test fired cartridge cases from Item #3 revealed matching chamber marks. This finding confirms that the Items #1 and 2 were cycled through the action of Item #3.

Four (4) of the submitted cartridges from Item #3 and four (4) BCI supplied cartridges were used for testing.

For additional details refer to the lab report and the investigative report titled *2024-01-17: Review of BCI Lab Report*.

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[REDACTED], Alliance, OH 44601, Stark County

Dispatch-Related Information

This section contains dispatch-related information associated with the incident. The information reviewed was obtained from the APD.

Audio recorded Calls to Police

There was one recorded 911 call made to the police department. It began with the caller providing the location of the incident and requesting police respond. The caller then stated "The man had a knife to the woman, older woman's throat. Please hurry." The operator asked the caller if she knew who the man was. The caller stated the man's name was "George Appleby." The operator then asked who the woman was, and the caller stated, "Her name is [REDACTED]" The caller continued, "Please hurry. He cut her throat." The caller told the operator that she is a neighbor, and the subject was now "up in the house with her." The operator asked the caller for her name. The caller stated her name was "Carla" and again asked the dispatcher to have the officers hurry for a third time. When asked if she could still see the subject the caller stated she could not, and for a fourth time asked that the responding officers "please hurry." The operator advised the caller that police were en route, and the call was ended.

Audio Recorded Police Radio Traffic

Fourteen radio transmissions were recorded during this incident. In the first radio transmissions the dispatcher asks the officer utilizing call sign 48, "48 are you hearing the 911? Something about a code 30 edged weapon in the area of 840 South Linden, 840 South Linden. We'll get coverage 17." In the background of this transmission another dispatcher can be overheard asking "Where's George now?"

In the following transmission the officer utilizing call sign 47 stated "47, headquarters I'm 17."

In the next transmission, the dispatchers request the officer utilizing call sign 41 "head that way also." An unidentified officer then corrected the address of the call to be "844 South Linden, around back."

In the following recording, titled "005_Police_Radio_2023_09_03_13_41_58_by_Start_Time_desc" an unidentified officer stated "He's got the knife to her throat. He's retreating into the house. I'm gonna kick in the back door." The same individual is heard in the next recording stating "If a guy has a ram, bring it around back." Other officers note their arrival in the following transmissions.

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[REDACTED], Alliance, OH 44601, Stark County

In the transmission titled "009_Police_Radio_2023_09_03_13_44_15_by_Start_Time_desc" an unidentified officer stated "We need a unit (to) bring in a halligan. We're inside the residence."

An unidentified officer responded to this request in the following transmission "All right, I got a halligan. Where do you guys need me, front or the back?" An officer responded to the question "Around back."

In the next transmission, titled "011_Police_Radio_2023_09_03_13_47_42_by_Start_Time_desc" an unidentified officer stated "43 radio and headquarters, shots fired, shots fired. 46 code 18, shots fired, code 18."

In the next transmission the dispatcher asks "272, scene clear for them to come in?" The unidentified officer responded, "Channel 4, code 18 right now."

In the next transmission the officer utilizing call sign 273 tells the dispatcher to notify 260, 234, and 246.

In the final transmission the dispatcher asked the officer who used call sign 273 "is this is a citizen or patrol?" The officer responded, "this is gonna be a citizen, headquarters." The dispatcher told the officer she notified 260 and believed he was in the company of the other two officers requested be notified of the incident.

For additional information refer to the recorded radio traffic and the investigative report titled *2023-09-19: Review of 911 Call and Radio Traffic*.

[Alliance Police Department CAD Report](#)

The APD CAD Report (2338351) documented times and personnel assigned to the call. The call was initiated on September 3, 2023, at 13:39:57 hours. The call type was entered as "Cutting". The report also contained an annotated log of transmitted radio traffic. It should be noted the timestamps assigned to the logged radio transmissions are not timestamps of the actual radio transmission, rather the time the dispatcher typed the text of the transmission into the CAD system. The following information was identified as most notable to this investigation:

- The call was received at 13:39:57 hours.
- The caller's name was entered as "CARLA", and her phone number was [REDACTED]

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- The original narrative entry read “george appleby has a knife to [REDACTED] s throat caller states he has cut her throat -advised address of 840 s linden around back -upstairs.”
- 13:44:06 – Unit 041 arrived on scene.
- 13:45:21 – Unit 045 arrived on scene.
- 13:43:04 – Unit 047 arrived on scene.
- 13:41:59 – Unit 048 arrived on scene.
- 13:40:53 – Text entry “knife to her throat – kicking in the back door (48) – need the ram to the back of the house- 1342 hours”
- 13:43:08 – Text entry “need a halligan inside the residence at 1344***”
- 13:45:44 – Text entry “shot fired – at 1347 -need squad now at 1347 – emt avised (sp) – 1347- on scene at 1347”
- 13:51:05 – Text entry “**1351HRS MD15 ADVISING ONE DOAAND 1 BEING TRANSPORTED BY EMT”

For additional information refer to the CAD report and the investigative report titled *2023-09-25: Review of CAD Report*.

MDT Records

Chat records for the Mobile Data Terminal (MDT) utilized by the Officers did not exist.

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Video Recordings

This section contains information from the review of multiple body worn camera (BWC) video recordings obtained throughout the investigation. The BWC footage was reviewed. The productions created by the Ohio Organized Crime Investigations Commission (OOCIC) were determined to contain the footage most relevant to this investigation.

Ohio Organized Crime Investigations Commission (OOCIC) Video Production

Body worn camera footage from each of the officer's present at the time of the shooting incident was submitted to OOCIC to create video productions for analysis. Specifically, OOCIC was requested to produce the following:

- One production for each video which included the addition of a time coder, frame counter and audio wave bar.
- A separate production which includes all three videos synchronized if possible.
 - One synchronized production at full speed
 - One synchronized production at half speed
- Set the time code presentation the same on the multi-camera presentation and the individual presentation.
- Include the file names for each of the videos submitted and include the officer associated with each video.

An initial review of the video productions revealed the following:

- Approximately four (4) minutes and thirty-five (35) seconds elapsed from the time Officer Rose entered the apartment to the moment the shots were fired.
- Prior to the shots being fired the officers gave verbal commands 19 times. Those commands included phrases such as unlock the door, open the door, drop the knife, and come out with your hands up.

Timing Analysis – Officer Toussant's BWC Video

The OOCIC produced multiple video productions. For this review and timing calculation, the video file titled *23-00084 Toussant Timeline Presentation* was utilized.

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OOCIC Forensic Video Analyst (FVA) David Loomis indicated the video presentation was playing at 29.97fps (frames-per second). He included audio waveforms, frame counters, and a timecode in the video presentation.

This video presentation was 03:18 long. It consisted of 5,784 frames (first frame of presentation was #7,702 and last frame was #13,486). The timecode included in the presentation indicated the BWC footage began at 00:02:54:10 and concluded at 00:06:07:04. The time stamp recorded by the BWC (included in the upper right corner of the video) indicated the footage on the first frame was captured on September 3, 2023, at 17:44:44 hours. The BWC was a viewpoint camera mounted on the left side of Officer Toussant's head.

The footage began as Officer Toussant approached the second story entrance of the apartment (*Toussant BWC Image 1*). Officer Toussant entered the apartment, made his way to the end of the hallway, and positioned himself on the right side of a closed door.

At 00:35 Officer Lee Rose (Rose) said "Come out with your hands up or we are coming in after you." A male voice can be heard saying he will come out if they leave. During this video segment, officers ordered the male to surrender 6 times before gaining entry to the bedroom.

At 01:22 Officer Shane Tallman (Tallman) began using a Halligan tool to force the bedroom door open. After 1 minute Officer Tallman gave the halligan tool to Sergeant Steve Minich (Minich) who opened the locked door. During the 1 minute and 36 seconds officers worked on opening the door, Appleby repeatedly told officers he was coming to open the door. Despite his statements, the door never opened until officers forcibly opened it.

At 02:58 Sergeant Minich pulled the bedroom door open with his left hand (*Toussant BWC Image 2*). As he did so, Officer Toussant stepped forward into the hallway and turned right into the threshold of the bedroom while yelling "Hands up!" [REDACTED] can be seen standing upright with her right hand on the handle of a large, fixed blade knife which was positioned across her torso below her breasts. Appleby was standing upright behind her with his right arm wrapped around her torso, his right hand on the knife (*Toussant BWC Image 3*), and his left hand gripped around [REDACTED]'s left bicep (*Toussant BWC Image 4*).

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At 03:02 Appleby began moving his head behind [REDACTED] s head (*Toussant BWC Image 5*). At the same time the knife began rising upward and what appeared to be blood was visible running down the front of [REDACTED] s neck. Officers yelled again "Hands up! Hands up!" Appleby's left hand began to rise. His right arm remained wrapped around [REDACTED] s torso with his right hand continuing to grip the knife and his head directly behind [REDACTED] s head (*Toussant BWC Image 6*).

At 03:03 [REDACTED] appears to pull her head down and to her right which exposed Appleby's head. The knife rises toward the top of [REDACTED] s shoulder while Appleby waved his left hand in a back-and-forth motion. He then reached his left hand forward toward the barrel of Officer Toussant's rifle while letting go of the knife with his right hand and yelling "I said I will..." (*Toussant BWC Image 7*).

At 03:04 as Appleby finished the word "will" what appeared to be a muzzle blast can be seen at the end of the rifle barrel (*Toussant BWC Image 8*). Two frames later (Frame #013082) the percussion sound was captured audibly on the audio waveform (*Toussant BWC Image 9*). Seven frames later (Frame #013089) another muzzle blast was depicted (*Toussant BWC Image 10*) along with a second percussion sound visible on the audio waveform one frame later (Frame #013090) (*Toussant BWC Image 11*). Appleby immediately fell to the floor. The knife remained in [REDACTED] s right hand as she then fell on top of Appleby while dropping the knife (*Toussant BWC Image 12*).

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Toussant BWC Image 1

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Toussant BWC Image 2

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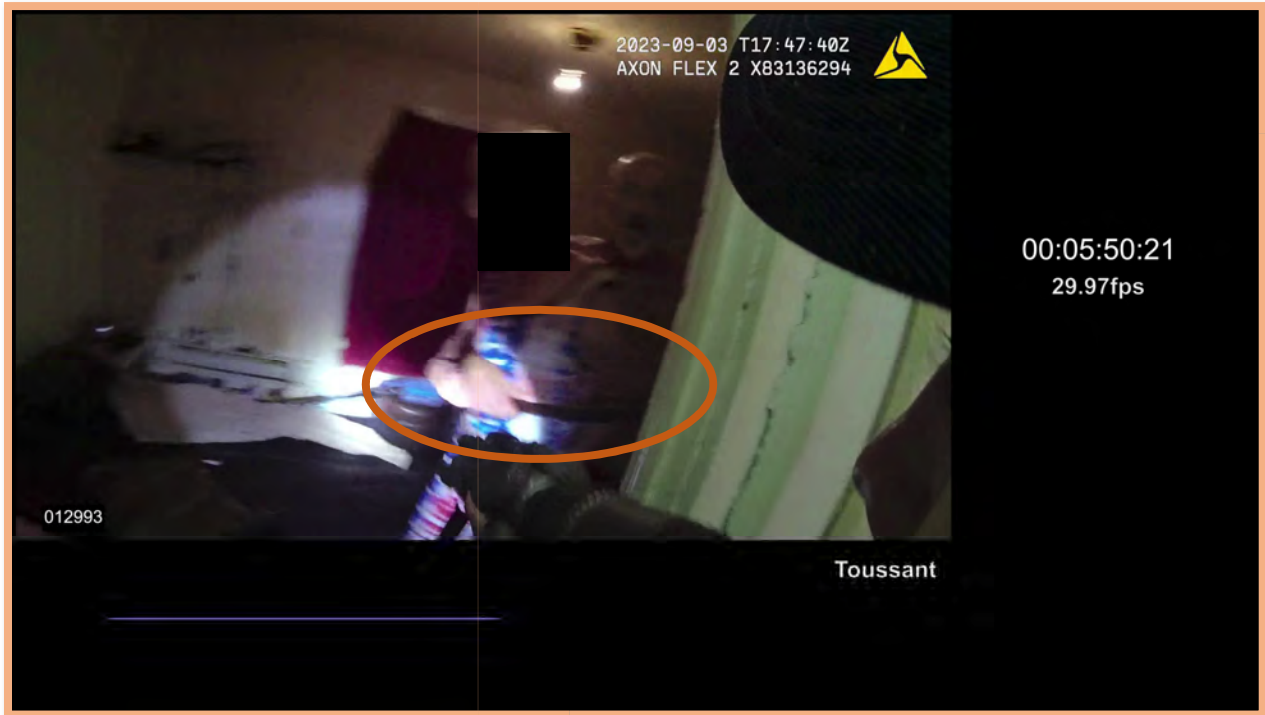


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[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 3

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[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 4

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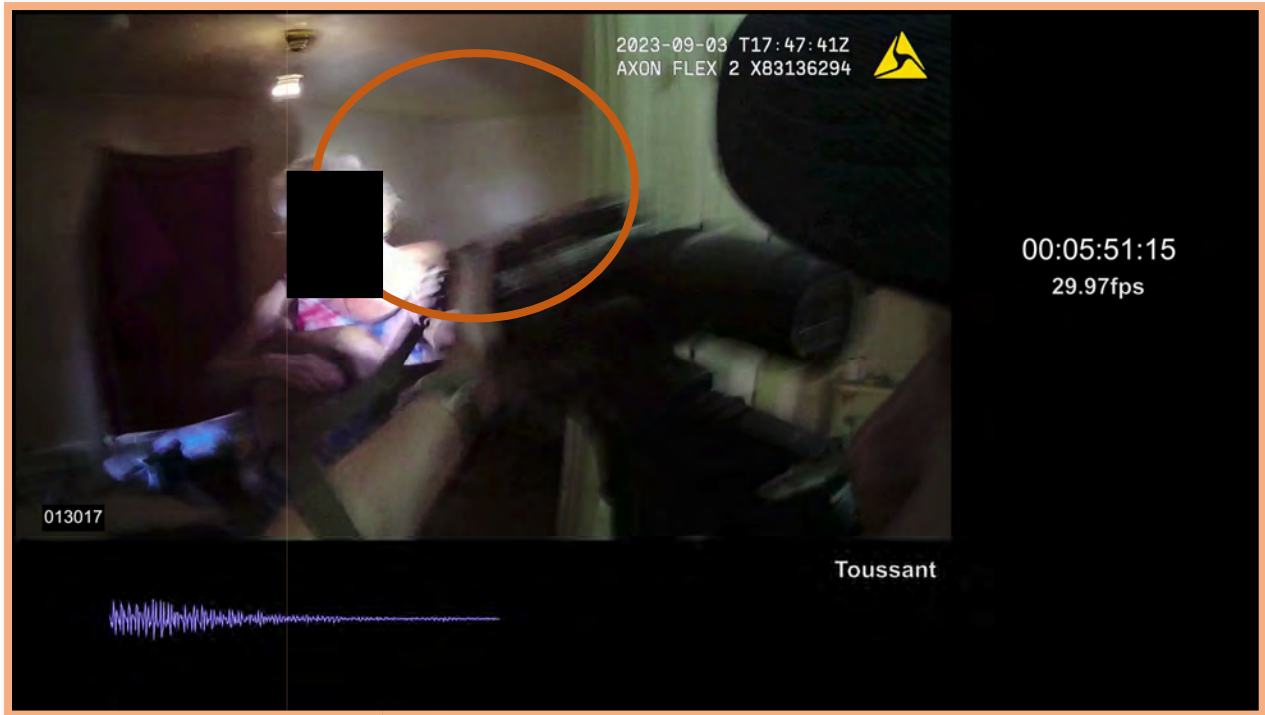


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Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 5

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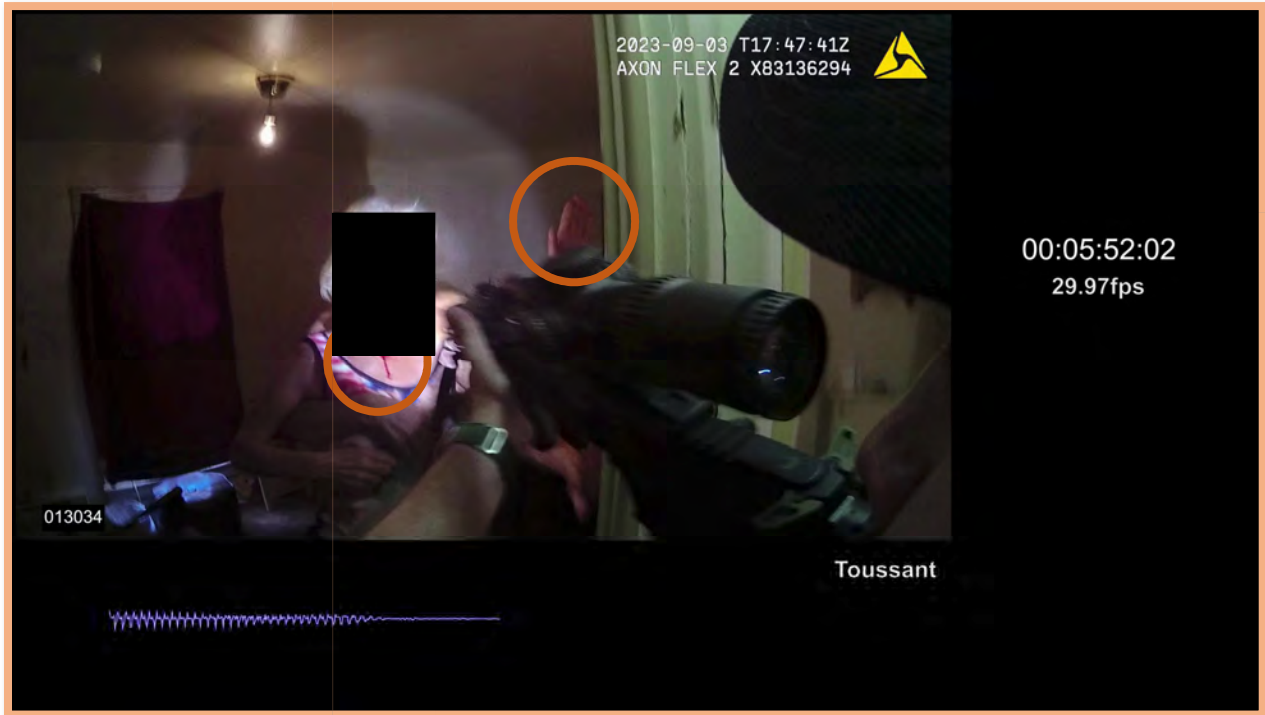


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Toussant BWC Image 6

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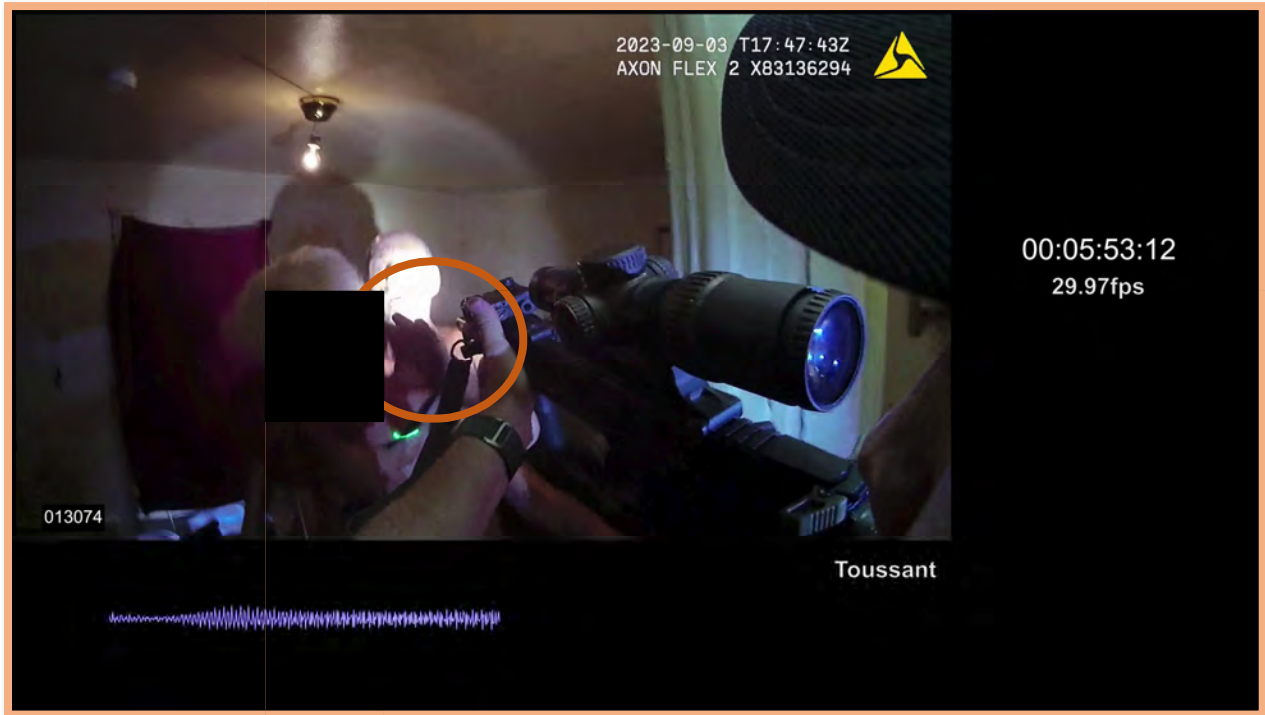


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[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 7

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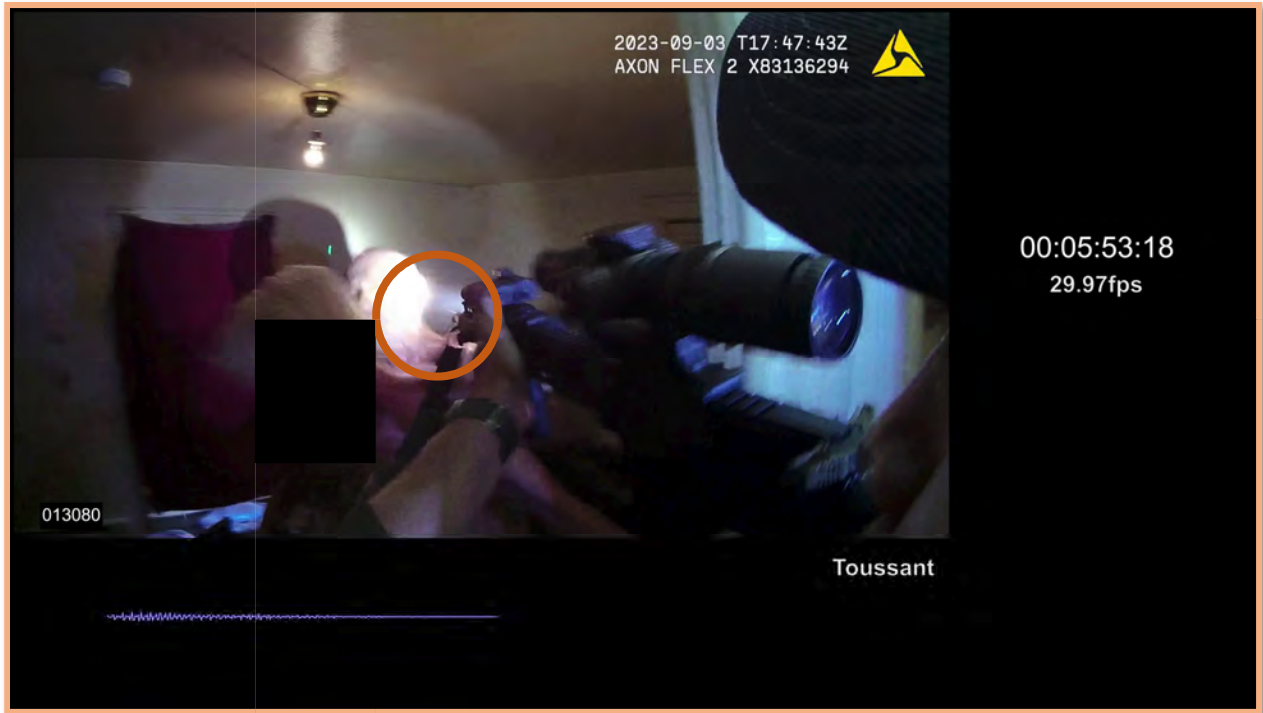


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Toussant BWC Image 8

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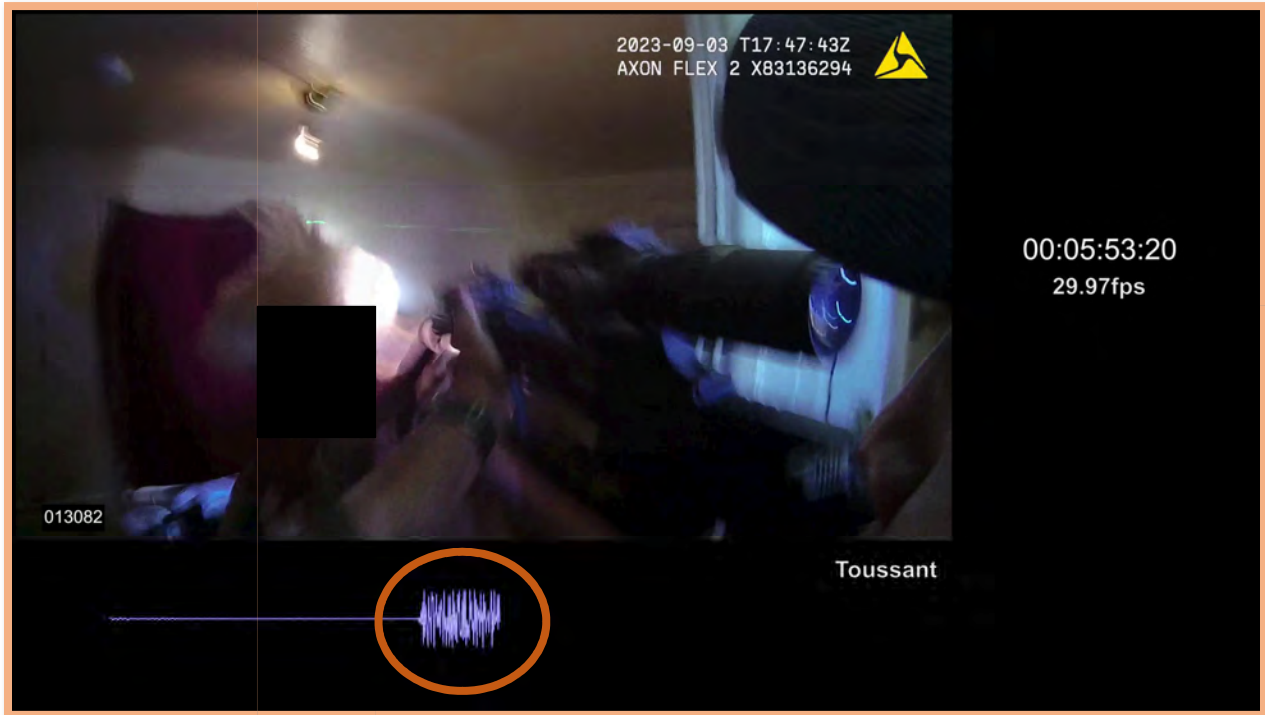


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Toussant BWC Image 9

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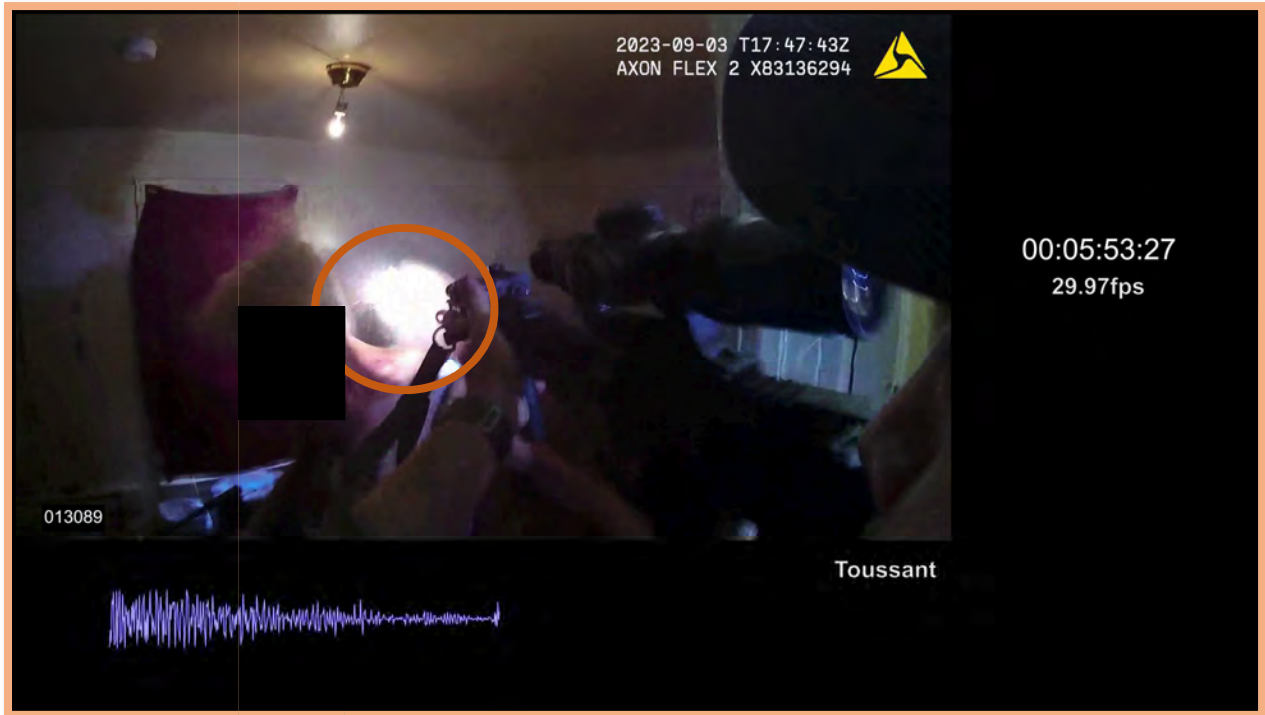


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Toussant BWC Image 10

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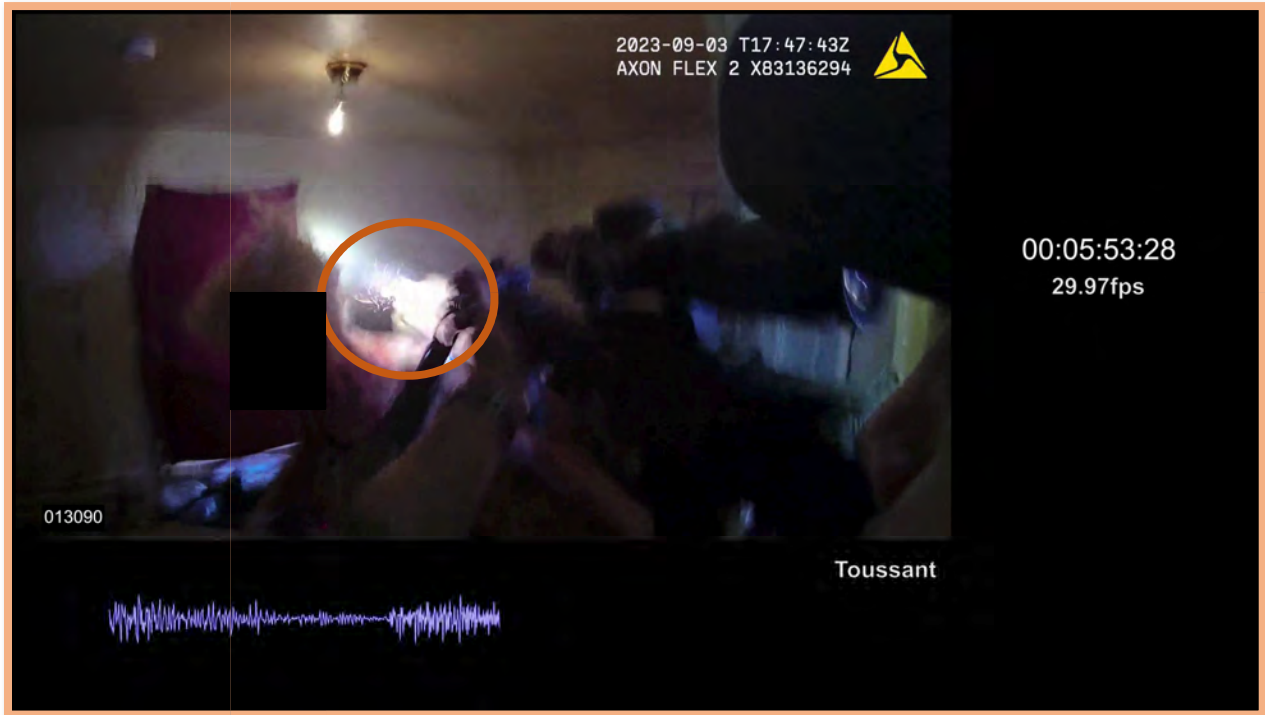


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Toussant BWC Image 11

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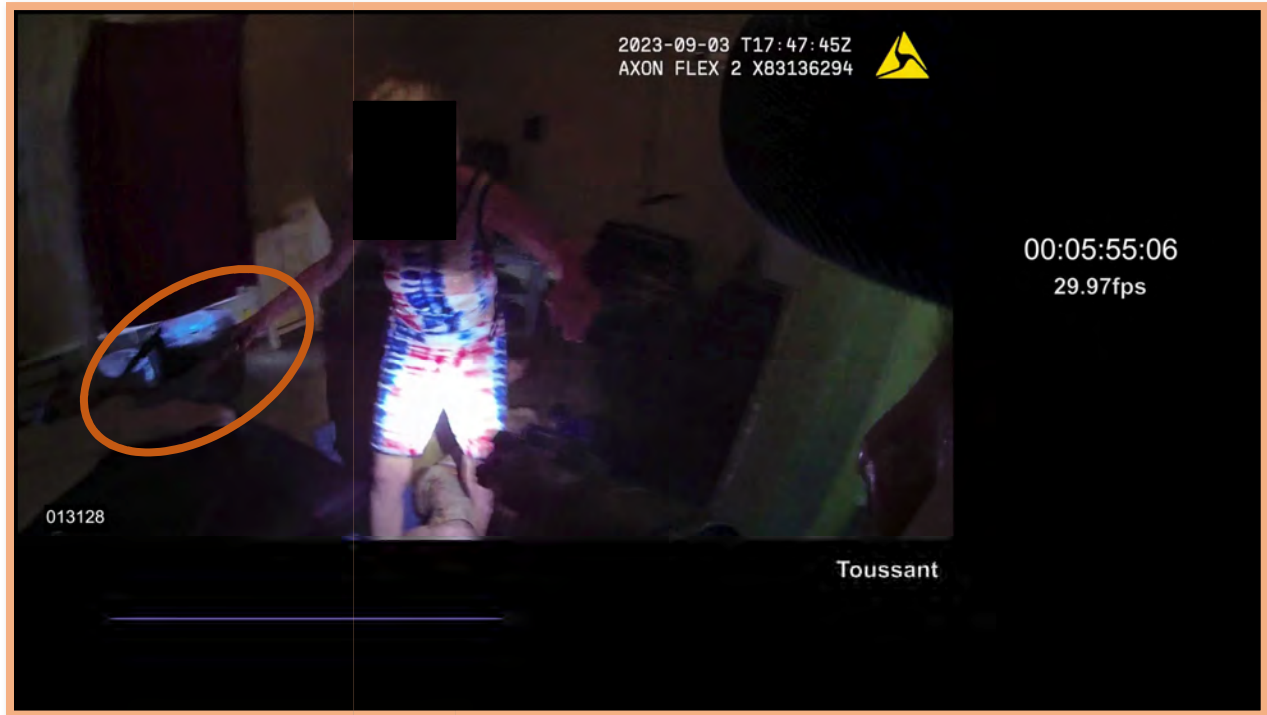


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Toussant BWC Image 12

Method and Process

The audio waveform effect was utilized to help identify sounds and when they occurred within the video production, specifically when reviewing the video frame by frame.

The frame counter was used to count frames between significant events identified within the recording.

The video/audio production indicated the video contained 29.97 (30) frames per second. Time was calculated by dividing 1 second by 30 frames. The quotient revealed each frame represented 0.03333333 seconds. Using this calculation, the amount of time that transpired between significant events can be approximately calculated by multiplying the number of frames captured between the events by the amount of time each frame represented (0.03333333). The product is the approximate amount of elapsed time. For this review, SA Armstrong rounded the product to the nearest hundredth place decimal (example 0.46666662 was rounded to 0.47 seconds).

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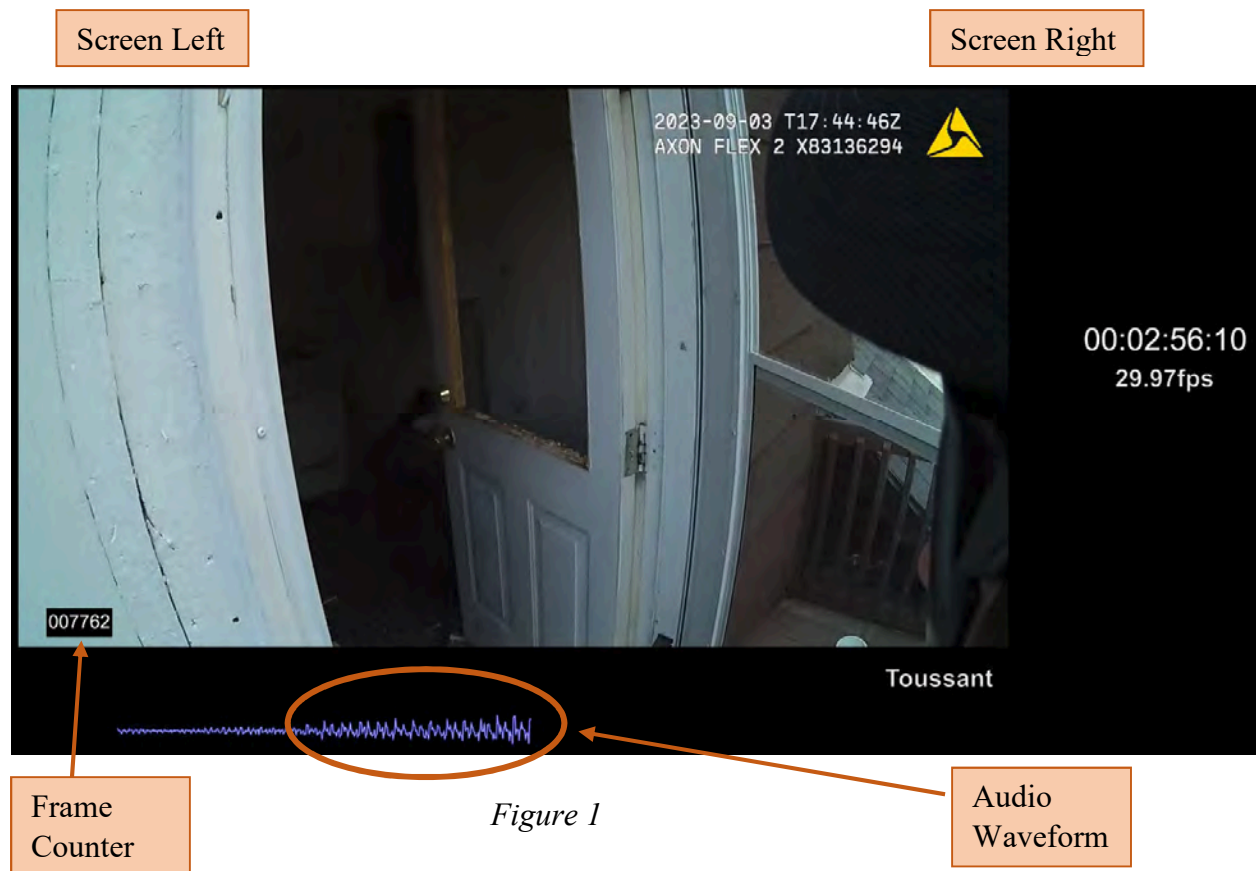
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Sounds were depicted through the audio waveform which traveled horizontally from the screen right to the screen left. As sound increased so did the number of waves depicted. When a sound first became audibly detectable, the waveform began to increase in frequency on the right side of the screen (See Figure 1). For this reason, SA Armstrong identified the frames depicting significant events as the first frame displaying an increase in frequency on the waveform.



The video was reviewed using VLC player. Images included within this report were captured with the VLC screen capture feature. They were saved as .jpeg images.

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Timing Analysis

Five significant events were identified. Two of the events appeared to be gunshots fired by Officer Toussant. They were identified based on the best available visual and audio cues. The frame numbers depicting these 5 events were noted and placed in a spreadsheet. The number of frames between each of the events was counted and then multiplied by 0.03333333 to identify the approximate amount of time that elapsed between each event. The spreadsheet created for the timing calculation was titled *Timing Estimate Summary - Toussant*.

Based on the data gathered from this video production, the approximate amount of time elapsed between significant events was calculated:

- 6 seconds elapsed from the time the bedroom door started to open to the firing of the first gunshot.
- 6.3 seconds elapsed from the time the bedroom door started to open to the firing of the second gunshot.
 - 0.3 seconds elapsed between the two gunshots.
- 1.6 second elapsed from the time Appleby started to raise his left hand and the time of the first gunshot.
- 0.63 seconds elapsed from the time Appleby reached toward the rifle muzzle and began releasing the knife to the first gunshot.

The table below depicts the time that elapsed between the significant events:

IMAGE #13	IMAGE #14	IMAGE #15	IMAGE #8	IMAGE #10
Door Opened	Raises left hand	Reached toward muzzle	1st Gunshot	2nd Gunshot
Frame #12901	Frame #13032	Frame #13061	Frame #13080	Frame #13089
Start	4.4 Seconds	0.97 Seconds	0.63 Seconds	0.3 Seconds
Total time from door beginning to open to 2nd gunshot fired				
6.3 Seconds				
Time from reaching toward muzzle and 1st gunshot fired				
0.63 Seconds				

The images below correspond to the Images identified in the Timing Analysis.

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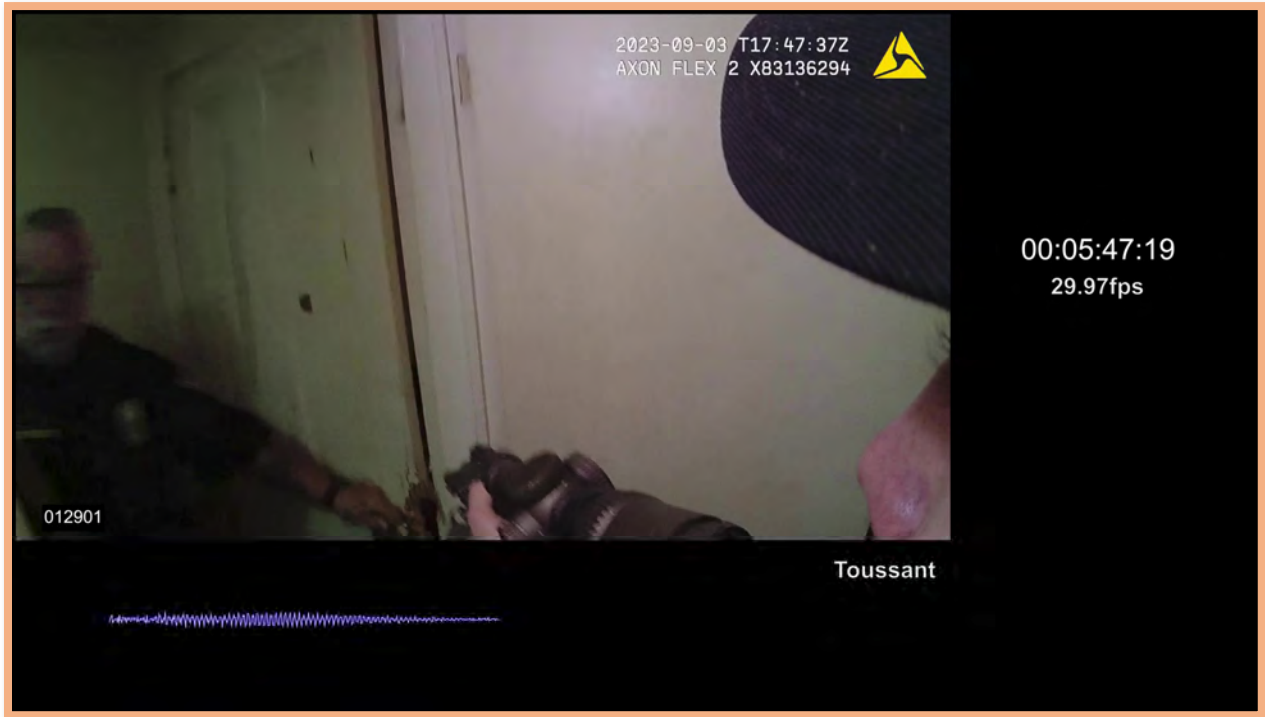


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Toussant BWC Image 13

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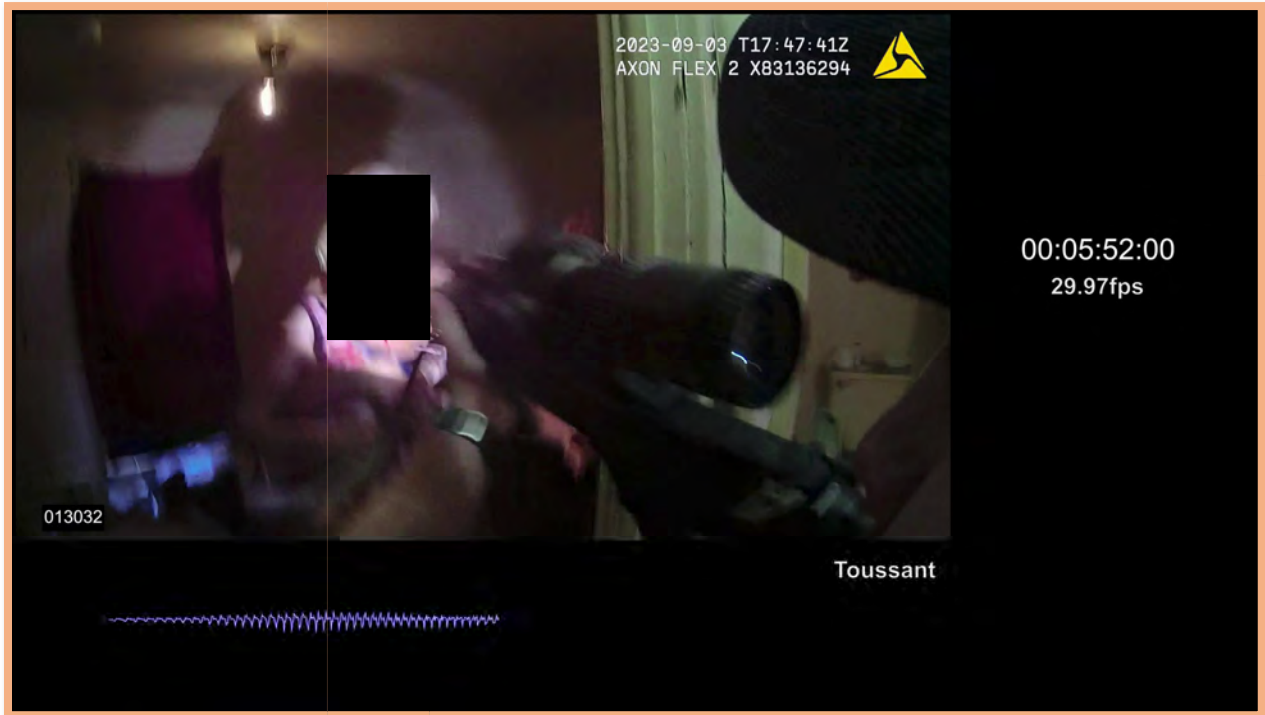


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Toussant BWC Image 14

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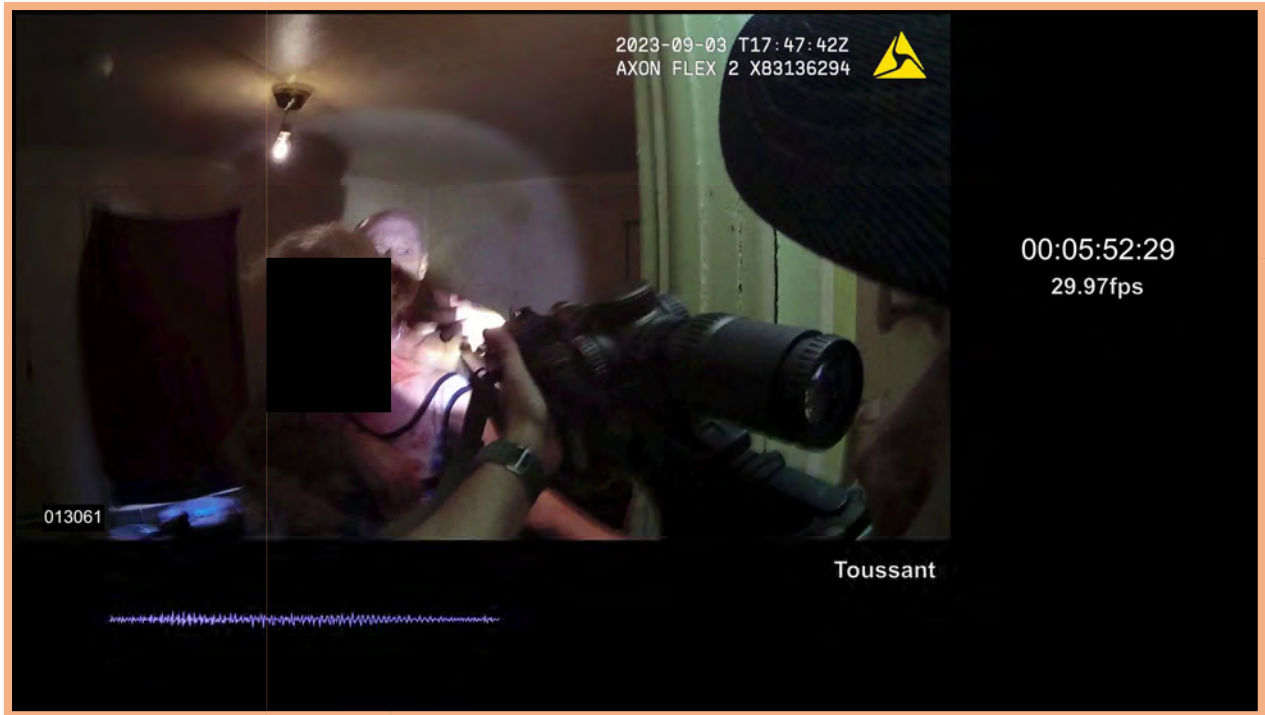


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Toussant BWC Image 15

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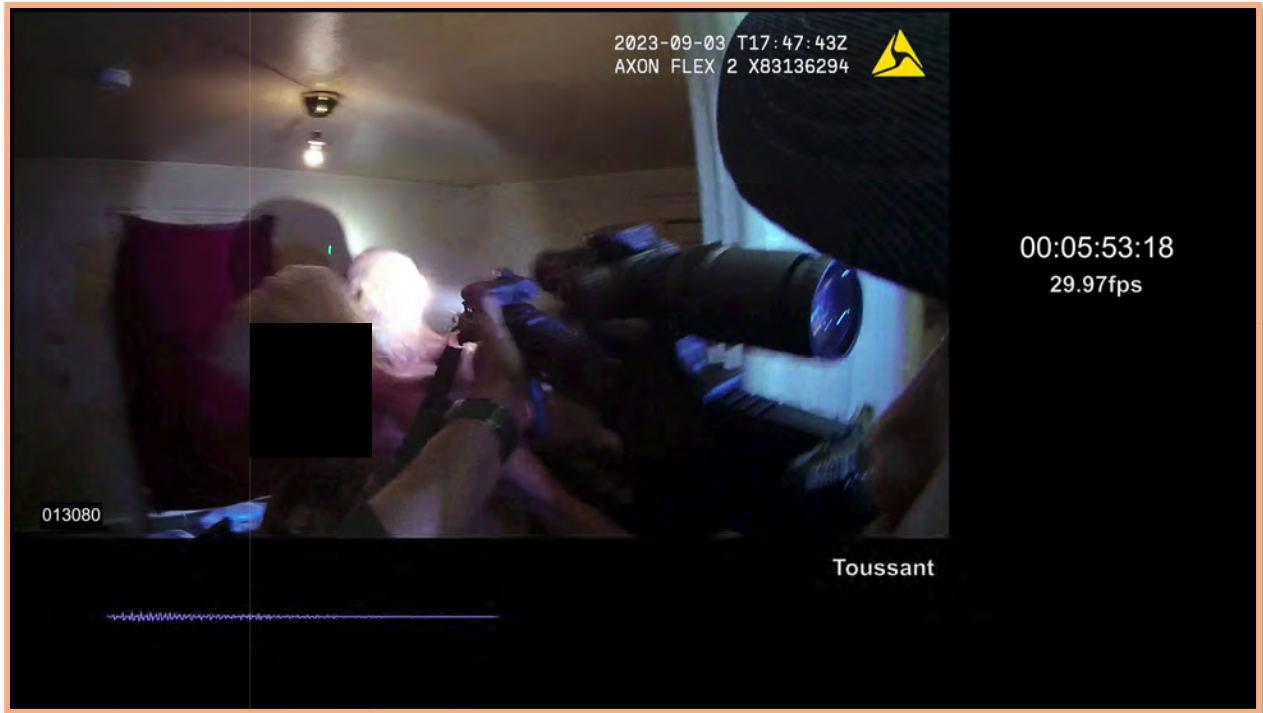


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Toussant BWC Image 8

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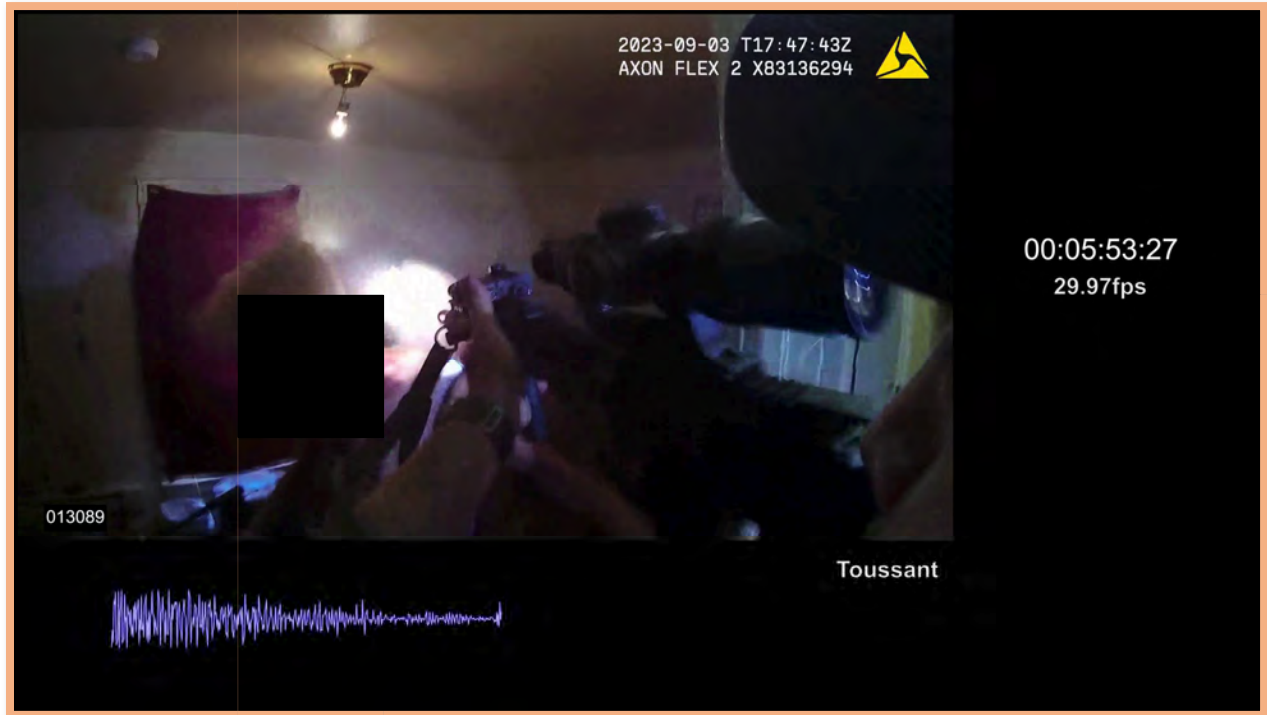


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Toussant BWC Image 10

For additional information refer to the body worn camera video recordings in Reference Item B, the OOCIC video productions in Reference Item D, and the investigative reports titled *OIS Matrix OCIC Video Review 2023-2306* and *2024-03-19: Timing analysis of Officer Toussant's BWC Footage*.

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Conclusion

This officer-involved shooting incident involved APD Officer Robert Toussant. Based upon the tangible/physical evidence, video and audio recordings, statements from law enforcement witness officers, statements from witnesses and the totality of the investigation, it is concluded that APD officers were dispatched to a disturbance at [REDACTED]. Upon their arrival George Appleby was observed in the apartment holding a knife to [REDACTED]. He refused to comply with commands and retreated further into the apartment while holding [REDACTED] hostage with the knife.

Officer Rose forced open the apartment door, entered and located Appleby behind a locked bedroom door. Additional officers arrived to assist in rescuing [REDACTED] who was being held hostage in the bedroom by Appleby. Officer Tallman and Sergeant Minich worked together to open the bedroom door with a halligan tool. Sergeant Minich eventually was able to open the door.

When the door opened Officer Toussant who was armed with his Spikes Tactical Rifle, stepped forward into the threshold of the room while yelling "Hands up!" He encountered [REDACTED] standing upright with a large, fixed blade knife positioned across her torso below her breasts. Appleby was standing upright behind her with his right arm wrapped around her torso, his right hand on the knife and his left hand gripped around [REDACTED]'s left bicep.

Initially Appleby moved his head behind [REDACTED]'s head while the knife rose upward. There was blood visible on [REDACTED]'s throat area and officers again yelled "Hands up! Hands up!" While Appleby's left hand began to rise his right arm remained wrapped around [REDACTED]'s torso with his right hand continuing to grip the knife and his head directly behind [REDACTED]'s head.

[REDACTED] then appeared to pull her head down and to her right which exposed Appleby's head. As the knife rose toward the top of [REDACTED]'s shoulder and Appleby reached his left hand forward toward the barrel of Officer Toussant's rifle, Officer Toussant fired two rounds striking Appleby in the head. Appleby immediately fell to the floor and [REDACTED] fell on top of him.

The incident was captured on Officer Toussant's body worn camera which was mounted to his head. The number of shots fired by Officer Toussant was confirmed by the video recording which was corroborated by the collection of two fired cartridge cases located at the scene. They were later forensically examined and confirmed to have been fired by Officer Toussant's Spikes Tactical rifle.

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This conclusion was based on the totality of the investigation. Throughout the investigative process, investigators continually evaluated the physical evidence, in conjunction with audio and video recordings, forensic findings, witness statements, involved officer statements and other information to ensure all relevant facts and circumstances surrounding this incident were obtained.

This investigation was focused on the actual shooting incident and the law enforcement use of force that led to the death of Appleby.

Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Matthew Armstrong who can be reached via email at matthew.armstrong@OhioAGO.gov or by telephone at 234-400-3395.

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