



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



2022-1564
Officer Involved Critical Incident – 1132 Ashwood Drive, South
Charleston, OH (L)

Investigative Activity: Interview with Officer
Involves: Matthew Yates (V)
Date of Activity: 09/19/2022
Activity Location: Sauter Law Office – 111 West First Street, Dayton, OH 45405,
Montgomery County
Author: SA Richard Ward, #55

Narrative:

On Monday, September 19, 2022, at 1433 hours, Ohio Bureau of Criminal Investigations (BCI) Special Agents Richard Ward, Kenneth Smith and Lauren Frazier met with Clark County Sheriff's Office Deputy Sheriff Branden McDuffie at John Sauter Law Offices, 111 West First Street, Dayton, Ohio, for the purpose of an interview. Also present was McDuffie's representative/union Attorney, John Sauter. On July 24, 2022, McDuffie and other police personnel responded to the 1132 Ashwood Court on an officer down call where Clark County Deputy Sheriff Matthew Yates was shot and killed by Cole White.

Agent Ward read Branden McDuffie the *Notice of Criminal Investigation* provided by the standard BCI form. McDuffie acknowledged the notification and signed the form. McDuffie is assigned to road patrol, 1500–2300 and a member of the Special Operations Team.

On July 24, 2022, McDuffie received an "Active 911" notification on his phone of the call-out that reported an "Officer Down" at Harmony Estates. McDuffie donned his "standard SWAT uniform" and responded to the scene in his mark patrol vehicle. Once there, McDuffie met up with Deputies Crump and Eubanks who were positioned behind a vehicle on the opposite side of the street from 1132 Ashwood Court. McDuffie was told Deputy Yates was the person down inside the trailer. McDuffie along with other deputies remained in their positions until the BearCat arrived. McDuffie was unaware of any previous attempts to retrieve Yates prior to his arrival.

The BearCat parked in front of the trailer [1132 Ashwood Ct.] as other Clark County Special Operations Teams members arrived on scene. McDuffie stated seven or eight of the members stacked up while utilizing a ballistic shield for an attempt to retrieve Deputy Yates from the trailer. According to McDuffie, the team request the use of flash bangs and CS gas, but none were available. As the team approached the trailer from the cover of the BearCat, McDuffie

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believed he was sixth or seventh back in the stack. McDuffie described the stack as the "Snake of Death" as the first four team members, Deputies Jones, Wheeler, Weaver and a medic he does not know approached the door of the trailer. McDuffie veered off toward a tree close to the front door and covered a large panel window at the front part of the trailer. As the team hit the front door, McDuffie heard loud gunshots described as "Rapid Fire" from the right side of the trailer and observed the team members retreating and Jones dragged by other deputies from the front door. As McDuffie retreated backward, and fired two to four rounds from his Rock River M4 rifle into a window of the trailer to cover the retreating team members. Once a cease fire was announced, McDuffie moved to a better position of cover eventually to the rear of the BearCat.

Deputy McDuffie moved to the turret of the BearCat as other SWAT teams arrived to assist. According to McDuffie, there was an unsuccessful second attempt to retrieve Deputy Yates by Springfield Police SWAT where Detective Nawman was injured. During the second attempt, Springfield Police used their MRAPS to ram the front and back of the trailer while McDuffie fired approximately 15 "Pepper Ball" rounds into the street side window from the turret until the pepper ball gun malfunctions. McDuffie heard gunshot, unsure from who, and the Springfield SWAT members retreated from the trailer. During this, Nawman "went down" and McDuffie initially believed he was shot, but the injury was not gunshot related.

Deputy McDuffie stated they were eventually relieved and responded to the staging area. McDuffie stated he and other deputies utilized the BearCat to transport Deputy Yates from the scene/trailer, who had been recovered on the third attempt. Once the transport was completed, McDuffie responded to the Northeastern High School where his rifle was collected and he was photographed by BCI.

Agent Ward concluded the interview with Deputy Branden McDuffie at 1501 hours. Attached below is the audio recorded interview, diagram and *Notice of Criminal Investigation*.

Attachments:

Attachment # 01: 2022-09-19 / Audio Interview of Brandon McDuffie

Attachment # 02: Notice of Crim Invest McDuffie & Diagram

Exhibit 1

Included as a separate file.

Exhibit 2



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



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Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is not a "Garrity" interview (where you could be required to answer).

Branden McDuffie

Printed Name of Interviewee

09-19-2022 / 1435
Date / Time

[Handwritten Signature]

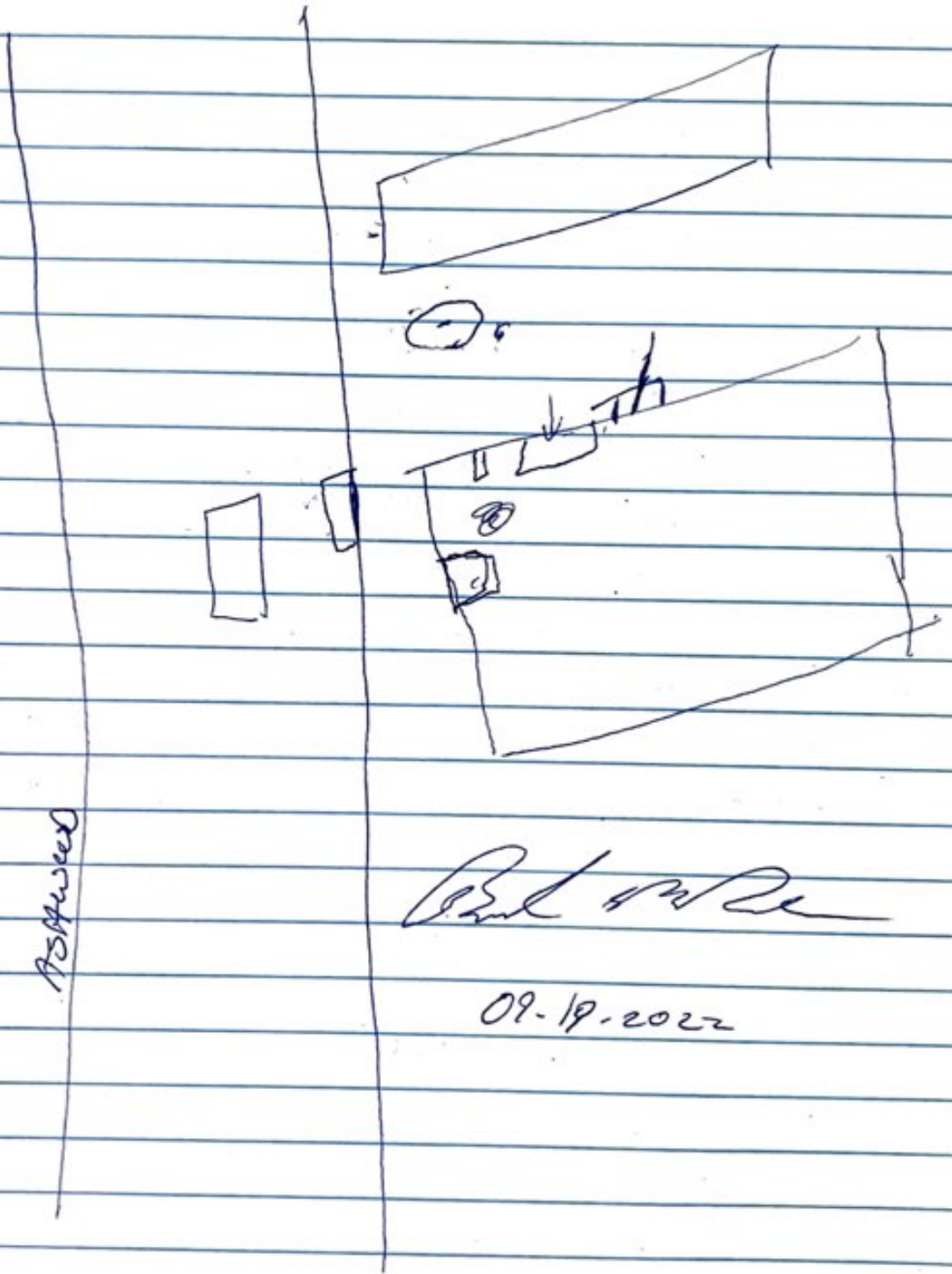
Signature of Interviewee

Richard Lewis

BCI Agent (Printed)

[Handwritten Signature]

BCI Agent (Signature)



Paul Miller

09-19-2022