



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



2023-1835
Officer Involved Critical Incident – 114 North Ninth St, Byesville,
OH (L)

Investigative Activity: Interview with Officer
Involves: Aux. Ofc. [REDACTED] (S)
Date of Activity: 07/11/2023
Activity Location: Guernsey County Sheriff's Office – Business – 601 Southgate
Parkway, Cambridge, OH 43725, Guernsey County
Author: SA Craig Call

Narrative:

On July 11, 2023, the Ohio Bureau of Criminal Investigation (BCI) Special Investigations and Crime Scene Units were requested by the Guernsey County Sheriff's Office (GCSO) to investigate an Officer-Involved Critical Incident (shooting) involving members of the Byesville Police Department (BPD), GCSO, and Jeremiah Wise (Wise). It was reported to BCI the incident occurred at Wise's residence, 114 North 9th Street, Byesville, Ohio, and resulted in Wise being shot by officers and transported to a nearby hospital where he ultimately succumbed to his injuries. BCI Special Agent Craig Call (SA Call) was designated as the lead investigator.

BCI was informed BPD Chief of Police [REDACTED], BPD Auxiliary Officer [REDACTED] (Officer [REDACTED], and GCSO Deputy [REDACTED] Deputy [REDACTED] were the officers that fired weapons during the incident. SA Call was informed Attorney Bob Sauter (Attorney Sauter) would be counsel for the above officers. SA Call and Attorney Sauter spoke on the phone and were able to schedule interviews for the above officers for July 20, 2023. Attorney Sauter indicated the officers would be providing SA Call with written statements.

On July 20, 2023, SA Call met with Attorney Sauter and Officer [REDACTED] at the GCSO in order for SA Call to obtain Officer [REDACTED]'s witness statement. Prior to the interview, SA Call provided Officer [REDACTED] and Attorney Sauter with BCI's Criminal Investigation Notification (CIN) form in order for there to be no confusion with the purpose of BCI's role in the investigation. Officer [REDACTED] signed the CIN and indicated he had no questions or concerns prior to beginning the interview.

The audio recording began at approximately 1228 hours.

Officer [REDACTED]'s signed written witness statement is approximately five pages in length with four lines and the signature appearing on a sixth page. Specific quoted text from Officer [REDACTED] will be used during this report in reference to certain parts of the incident, however the statement

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in its entirety will be attached for reference.

Prior to describing his involvement in the incident, Officer [REDACTED] statement contains background information about his law enforcement career, current position, use of force history, weapons carried and used during the incident, and activities prior to the incident. Officer [REDACTED] statement noted he has never received any discipline related to use of force, never before used deadly force, and the instances he has used force have found to be within department policy.

In reference to the events occurring just prior to the shooting and during the shooting, Officer [REDACTED] wrote the following:

"I went over to the Crown Vic attempting to fall back to the rear. I heard "He's coming out!" I took cover behind the rear trunk area of the Crown Vic. I posted the rifle on the trunk and began to assess the situation. I observed Mr. Wise with shorts and no shirt on. Mr. Wise was standing on the front porch of 114 N 9th St. He did not have any weapons in his hand nor on his person. At that point I did not take the rifle off of safe. I observed Mr. Wise to be very agitated, he was screaming and was flipping [REDACTED] off. Mr. Wise was moving his arms up and down repeatedly. I could hear Deputies and Officers near the porch verbally trying to deescalate the situation by attempting to get Mr. Wise away from the house and towards them. I then observed Mr. Wise going back inside the home. I was still posted up on my cruiser resting the rifle.

An elderly lady behind me popped out of her screen door and asked "Do you shoot to wound or Kill?" Almost immediately after she asked that question, Mr. Wise returned out of the front door with a full size black handgun in his hand. I fixed my rifle's sights on Mr. Wise again. I took the rifle off of safe. I heard statements from other law enforcement officers staged in front of me saying "Gun!" and "Drop the Gun!" I observed Mr. Wise having the handgun up high then down low. I followed the handgun's movement. I observed Mr. Wise bring the handgun up and towards [REDACTED] I heard one gun shot.

I was in direct and immediate fear for [REDACTED]'s life at this time. I also was in immediate fear for the lives of myself and other law enforcement officers in the area as well as for any civilians in nearby residences. I was aiming for the center mass of the front right side of Mr. Wise. I squeezed the trigger three times, firing three rounds once I heard that first gun shot go off. I then observed Mr. Wise spin around and fall to the inside of the home."

In reference to the events occurring immediately after the shooting, Officer [REDACTED] wrote the following:

"I approached the home at the high ready position. I took cover behind a car directly in front of the front door of the home. I observed Mr. Wise laying just inside the door on the floor. Mr. Wise was rolling over front to back. His feet were facing towards the door. I gave commands for him to show his hands multiple times.

The Strategic Response Team ("SRT") team then approached and took position. An armored vehicle was driven to the front of the residence. The SRT team approached and I fell back away from the doorway. I advised [REDACTED] I had fired the service rifle."

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Officer [REDACTED]'s written witness statement further detailed the following:

"Mr. Wise by his actions in aiming his weapon at [REDACTED] and posed a direct and immediate threat to the life of [REDACTED]. I was in fear that [REDACTED] would be killed. When I fired my weapon, there was no less than lethal force that I could have used which could have as effective in stopping the immediate and direct threat posed to [REDACTED] from the actions of Mr. Wise.

My action in firing my weapon, as described above, was consistent with my training and experience as a law enforcement officer."

In reference to any previous personal or professional contacts with Wise, Officer [REDACTED] wrote the following:

"I have had no prior contact with Mr. Wise." Later in the interview. Officer [REDACTED] confirmed he has never been on a call for service at the 114 North 9th Street address. Officer [REDACTED] further explained he could have been on a call for service at the above residence because he is a full time deputy with the Noble County Sheriff's Office and only works for BPD as an auxiliary officer for special details, not as a patrol officer.

Officer [REDACTED]'s statement does indicate he viewed Deputy [REDACTED]'s body worn camera and audio from [REDACTED]'s body worn camera after preparing the statement, however he notes there were no substantive changes to his statement after viewing the footage or listening to the audio.

SA Call noted Officer [REDACTED]'s statement indicates he was wearing a body worn camera during the incident, however the camera was not functional and asked Officer [REDACTED] to elaborate. Officer [REDACTED] said he believed the body worn camera was operating during the incident because he was under the impression it automatically turns on in the presence of activated emergency lights or other activated cameras. SA Call asked Officer [REDACTED] if he did not activate his body worn camera in an effort to conceal any actions he or others officers present may have made during the incident and Officer [REDACTED] indicated that was in no way his intention.

SA Call asked Officer [REDACTED] to reference and further elaborate on the last line of paragraph two on page four of his written statement, "I heard one gunshot." Officer [REDACTED] explained he believed the shot to have come from the area of the front porch of the above referenced residence, but he did not see who actually fired the shot. In addition to his own gunfire, Officer [REDACTED] explained he did hear gunfire, but did not know who fired at the time of the shooting. Officer [REDACTED] indicated he could not tell if the rounds he fired struck Wise.

SA Call provided Officer [REDACTED] with an overhead map view of the area of the incident with a red arrow indicating the 114 North 9th Street residence. SA Call asked Officer [REDACTED] to mark with a pen his location and the location of other officers present during the time of the shooting. Officer [REDACTED] noted his position as on North 9th Street to the North of the Pearl Street and North 9th Street intersection. Officer [REDACTED] noted Deputy [REDACTED]'s position as in the intersection of Pearl Street and North 9th Street. Officer [REDACTED] noted the position of [REDACTED]'s in the roadway on North 9th Street to the Southwest of the above residence. The map has been added

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to the case file.

Officer [REDACTED] confirmed he was in no way pressured or threatened into giving a statement or altered statement to BCI.

The interview was concluded at 1247 hours.

Attachments:

Attachment # 01: [REDACTED] Signed Witness Statement

Attachment # 02: [REDACTED] CIN

Attachment # 03: [REDACTED] Overhead View

Attachment # 04: BPD Aux Officer [REDACTED] Interview

**Statement of [REDACTED] Auxiliary Byesville Police Officer,
Regarding Incident of July 11, 2023**

I. Background.

I am an Auxiliary Police Officer with the Village of Byesville Police Department (“Byesville PD”). I began my service as a Byesville PD Auxiliary Officer in June, 2023. I served as needed with the Byesville PD where I report to Chief Dolan. I also am a Deputy Sheriff with the Noble County Sheriff’s Office (“NCSO”). I began my employment as a full-time Deputy with the NCSO on March 27, 2023.

I have prior law enforcement experience with the Cambridge Police Department as a full-time Police Officer. I served at Cambridge from October 23, 2020 to March 26, 2023. I have no prior military experience.

I received my Basic Police Officer Training at Stark State College, North Canton, graduating in 2020. I graduated from Meadowbrook High School, Byesville in 2014. From 2014 through 2018 I attended Otterbein University and Waynesburg College.

I do not wear prescription glasses, contacts and/or a hearing aid. I am under no physical disability. I take no prescription medication. I had no alcohol consumption within eight (8) hours prior to being called out for the incident. I was not under the influence of any intoxicant, whether alcohol, prescription drug or non-prescription drugs.

As a law enforcement officer, I never received any discipline relative to the use of force. I have never been the subject of an Internal Affairs investigation relative to the use of force. In my law enforcement career, I have never before used lethal force. However, there have been instances where I have used my hands and this use of less than lethal force has been subject to review and my use of force has been found to be within Departmental policy.

I am familiar with the Byesville PD Use of Force Policy. I last reviewed this Use of Force Policy a couple of months prior to the incident.

During the incident I used a Smith & Wesson M&P AR15. This weapon is property of the Byesville PD and was in the police cruiser I drove to the incident. I last qualified for a semi-automatic AR15 on June 6, 2022, and with a fully automatic AR15 in February, 2023. Both qualifications were at the Cambridge Police Department.

I carried (1) a magazine for this weapon and it was in the carrier of the rifle. There are 28 rounds in this magazine. During this incident, I believe that I fired three (3) rounds.

On my duty belt (“clockwise”) I carry my duty weapon, a Glock 45, my ASP Baton, my gloves, my flashlight, and my handcuffs. On my outer vest, I carry (left to right): radio, body camera, two spare Glock 17 magazines, and a tourniquet.

I had no backup weapon on my person during this incident. I used no other weapon in the incident other than my Smith & Wesson M&P AR15.

As to the 48 hours prior to the incident, on Sunday, July 9, I was on my day off and did not work any overtime or special duty. On July 11, I worked only my regular shift from 6 a.m. through 6 p.m. as a Noble County Deputy. I was well rested prior to the incident. I slept from approximately 9 p.m. on July 10 to 5:15 a.m. on July 11.

During the incident, I was dressed in my prescribed Byesville PD uniform.

I was wearing a body camera in accordance with the Byesville PD Policy. However, it was not working during much the incident, but was working after the shooting. I thought the body camera was working during all of the incident, but found out later it did not automatically turn on which I thought it would do. I carried no personal recording device.

The Crown Vic which I drove to the incident does not have in-dash car video.

II. Incident Narrative.

At approximately 5:30pm I had received word from Byesville [REDACTED] that there was a standoff in the Village of Byesville. I was on duty as a Deputy Sheriff at Noble County. I finished my shift at Noble County at 6 p.m. I then returned to my home in Byesville. On the way home I contacted [REDACTED] and asked if he needed any assistance with the situation at hand. [REDACTED] stated assistance would be needed. [REDACTED] advised to switch out uniforms and stage at N 9th St. and Pearl Ave.

I returned home and I took my Deputy Sheriff uniform off. I then put on my Byesville Police uniform and drove to the station. I drove the marked Crown Vic unit. The Crown Vic was equipped with a Smith and Wesson M&P AR 15. I took the rifle out of the gun lock, loaded a round into the chamber, and turned the red dot sight on. I drove to the scene and parked the Crown Vic on N 9th St just east of Pearl Ave as instructed.

I took the rifle and carried it over my shoulder. I observed Guernsey County Sheriff Office (“GCSO”) Deputy [REDACTED] taking cover behind a marked GCSO’s unit at the intersection of N 9th St and Pearl Ave. I went over to Deputy [REDACTED] and took cover with him. Deputy [REDACTED] gave me a situation report. The subject in question, Mr. Jeremiah Wise, was inside his residence at 114 N 9th. Mr. Wise was stated to have called his employer and made some sort of suicidal statement. A well being check was attempted by Byesville Police and the situation turned into a standoff. Mr. Wise was stated to have had firearms and access to those firearms in the residence.

I spent some time with Deputy [REDACTED], standing behind his cruiser. I observed [REDACTED] and GCSO Deputy Zimmerman taking cover behind cruisers on N 9th St just west of the residence. An order was given over the radio for all Byesville Officers to rotate around to the rear of the residence and that Deputies were going to be replacing positions.

I went over to the Crown Vic attempting to fall back to the rear. I heard “He's coming out!” I took cover behind the rear trunk area of the Crown Vic. I posted the rifle on the trunk and began

to assess the situation. I observed Mr. Wise with shorts and no shirt on. Mr. Wise was standing on the front porch of 114 N 9th St. He did not have any weapons in his hand nor on his person. At that point I did not take the rifle off of safe. I observed Mr. Wise to be very agitated, he was screaming and was flipping [REDACTED] off. Mr. Wise was moving his arms up and down repeatedly. I could hear Deputies and Officers near the porch verbally trying to deescalate the situation by attempting to get Mr. Wise away from the house and towards them. I then observed Mr. Wise going back inside the home. I was still posted up on my cruiser resting the rifle.

An elderly lady behind me popped out of her screen door and asked “Do you shoot to wound or Kill?” Almost immediately after she asked that question, Mr. Wise returned out of the front door with a full size black handgun in his hand. I fixed my rifle's sights on Mr. Wise again. I took the rifle off of safe. I heard statements from other law enforcement officers staged in front of me saying “Gun!” and “Drop the Gun!” I observed Mr. Wise having the handgun up high then down low. I followed the handgun's movement. I observed Mr. Wise bring the handgun up and towards [REDACTED] I heard one gun shot.

I was in direct and immediate fear for [REDACTED]'s life at this time. I also was in immediate fear for the lives of myself and other law enforcement officers in the area as well as for any civilians in nearby residences. I was aiming for the center mass of the front right side of Mr. Wise. I squeezed the trigger three times, firing three rounds once I heard that first gun shot go off. I then observed Mr. Wise spin around and fall to the inside of the home.

I approached the home at the high ready position. I took cover behind a car directly in front of the front door of the home. I observed Mr. Wise laying just inside the door on the floor. Mr. Wise was rolling over front to back. His feet were facing towards the door. I gave commands for him to show his hands multiple times.

The Strategic Response Team (“SRT”) team then approached and took position. An armored vehicle was driven to the front of the residence. The SRT team approached and I fell back away from the doorway. I advised [REDACTED] I had fired the service rifle.

I was told to help set up a perimeter because Mr. Wise's family was coming. I went over to Pearl Ave towards N 8th St. I met several people in the roadway and started to block them from going any further. I had discussions with two females and a male as I maintained the perimeter.

GCSO Deputy Massinelli and GCSO Deputy Patterson came over to where I was and stood near. I received radio communication from [REDACTED] to meet him by his cruiser. I walked over to where his cruiser was near the front of the residence. Byesville PD Officer Stewart approached me and took the service rifle I had fired off of my body taking control of it. A GCSO female Deputy directed me to a cruiser and I sat inside of it. I was transported to OhioHealth Southeastern Medical Center for drug testing and a breathalyzer. I was then transported back to the GCSO where I met with a BCI Agent. I was then transported to the station where I gave [REDACTED] the body cam I was wearing. I then drove my car home and secured for the night.

The weather was hot and clear during the incident. Sunlight provided light during the incident. The backdrop for the rounds which I fired was Mr. Wise's house.

I have had no prior contact with Mr. Wise.

Mr. Wise by his actions in aiming his weapon at [REDACTED] and posed a direct and immediate threat to the life of [REDACTED] I was in fear that [REDACTED] would be killed. When I fired my weapon, there was no less than lethal force that I could have used which could have as effective in stopping the immediate and direct threat posed to [REDACTED] from the actions of Mr. Wise.

My action in firing my weapon, as described above, was consistent with my training and experience as a law enforcement officer.

This statement is made from the best of my recollection as to the incident on July 11, 2023. Prior to preparing my statement, I had not viewed either my body camera nor any video of the incident. On July 14, I viewed the body camera footage from GCSO Deputy [REDACTED]

and listened to audio from [REDACTED]'s body camera. This viewing and listening did not substantially change my statement.

I give permission to BCI to obtain my drug/alcohol testing results. I wish to cooperate with this investigation and am prepared to answer any questions which you might have,

Respectfully submitted,

[REDACTED]

7-20-23
Date



Ohio Attorney General's Office Bureau of Criminal Investigation



Criminal Investigation Notification

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

[Redacted Name]

Printed Name of Interviewee

7/20/23 12:21pm

Date / Time

[Redacted Signature]

Signature

SA T. Craig Call
BCI Agent (Printed)

SA T. Call
BCI Agent (Signature)



Google

1-20-23

