



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



2022-1673

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

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

Narrative:

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

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

The interview with [REDACTED] began at 1325 hours at the offices of Engle & Martin. Attorney Mary Martin was present for the interview. Before the interview started, [REDACTED] was read the BCI Criminal Investigation Notification form (see attachment #1), which he acknowledged and signed.

[REDACTED] stated that he has been with the Ohio State Highway Patrol for approximately 28 1/2 years. He was wearing a clearly marked Trooper uniform on the date of the incident and was in a marked patrol vehicle (Dodge Charger).

[REDACTED] stated that dispatch advised that a subject attempted to break in to the FBI building. The subject was described as a White male, bald, with glasses, driving a white Crown Vic with Florida plates driving North on I-71 near the Kings Mills exit.

At some point, Trooper Illanz located the subject vehicle. [REDACTED] stated that himself, Trooper Lt. [REDACTED], and Trooper Sgt. Staples responded to assist Illanz. They were able to catch up to Illanz around the 39 milepost. Once they initiated their lights, the subject accelerated, drove on to the left berm, and passed a semi. Shortly after, [REDACTED] saw the subject shoot at a black van.

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At this point, [REDACTED] got his shotgun out. He described that the subject exited on SR 73, cut off a white car, and eventually turned left on Smith Road. [REDACTED] stated he could see the subject getting worked up and appeared to be preparing for something. [REDACTED] maintained some distance before the subject stopped and put himself in a ditch on the road and exited his vehicle.

[REDACTED] stated he exited his vehicle with his shotgun and attempted to yell commands for the subject to drop his weapon. [REDACTED] felt something hit him at this time and he retreated to the back of his vehicle. [REDACTED] discharged 2 rounds from his shotgun towards the subject. He stated he could hear rounds being fired by the subject towards him.

[REDACTED] thought he was shot and Trooper [REDACTED] assessed him and could not locate anything at this time. [REDACTED] said that he shot an additional round from his shotgun and then went to his trunk to get his rifle. When he went to rack his rifle, his firearm got a double feed and was inoperable.

[REDACTED] drew a rough sketch (see attachment #2) of where his vehicle was located in reference to other vehicles, once he arrived on scene at Smith Road.

Eventually, [REDACTED] was relieved by other officers. [REDACTED] stated his rifle was given to Sgt. Staples. BCI retrieved his shotgun from the trunk at a later time. [REDACTED] responded to the Wilmington post where he met with BCI.

[REDACTED] advised that he obtained two injuries from this incident, including a popped ear drum and abdomen injury (copper fragment).

The interview between [REDACTED] and BCI concluded at 1353 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #3) and typed statement provided by [REDACTED] (attachment #4).

Attachments:

- Attachment # 01: Tpr. [REDACTED] [REDACTED] Crim Rights Notification Form
- Attachment # 02: Tpr. [REDACTED] [REDACTED] Diagram
- Attachment # 03: 2022-09-06 / Trooper [REDACTED] [REDACTED] audio interview
- Attachment # 04: Tpr. [REDACTED] [REDACTED] Written Statement

Exhibit 1



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).


 Printed Name of Interviewee

9/6/22 1327
 Date / Time


 Signature of Interviewee

SA KEN SMITH
 BCI Agent (Printed)

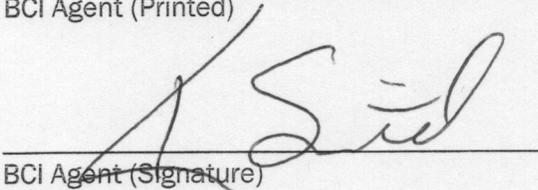
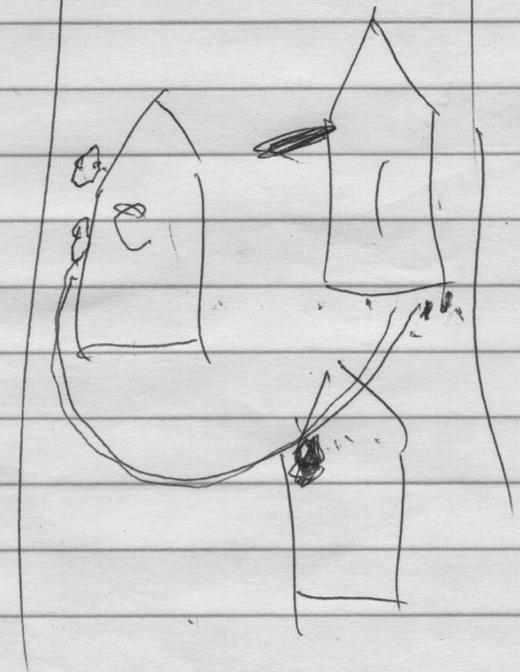
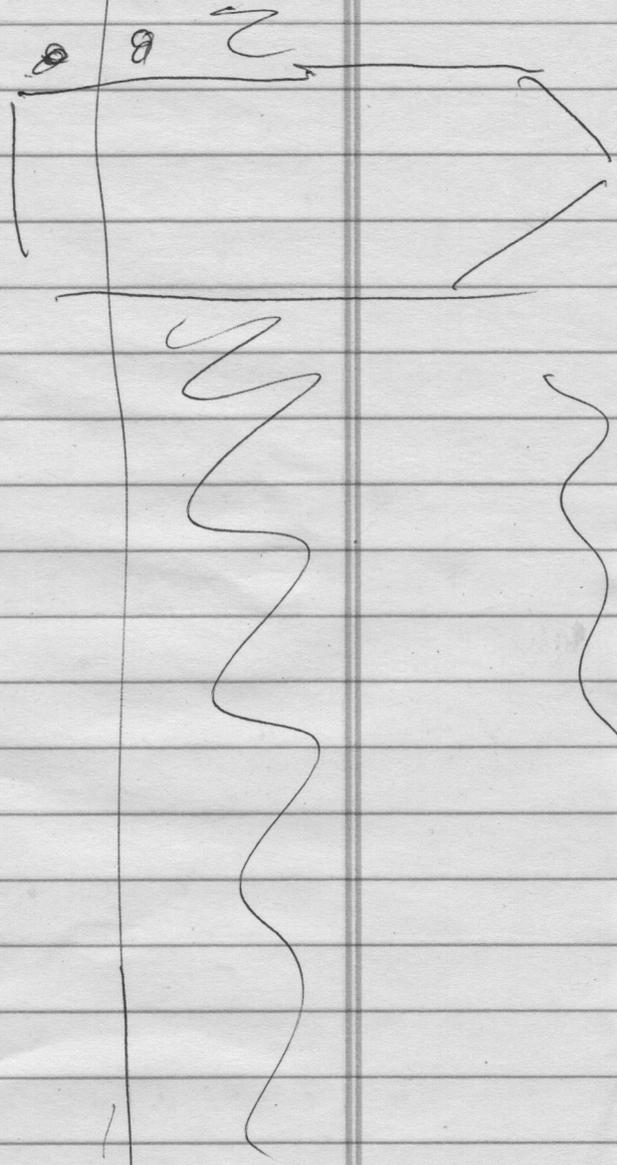

 BCI Agent (Signature)

Exhibit 2



9-6-2022

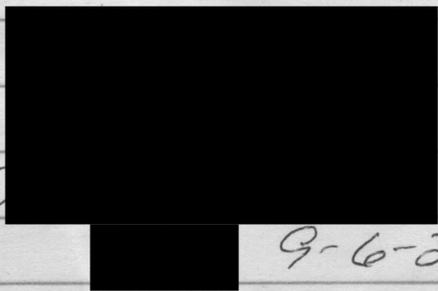


Exhibit 3

Included as a separate file.

Exhibit 4

STATEMENT OF [REDACTED]

AUGUST 19, 2022

I am a Trooper with the Ohio State Highway Patrol. I have been employed as a law enforcement officer since 1994. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 1994.

I am currently assigned as a Trooper at the Lebanon Post.

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

I am familiar with the Ohio State Highway Patrol's policies and procedures on use of force. My most recent training on use of force occurred in 2021. I most recently completed my firearm qualifications in the spring of 2022.

On August 11, 2022, I was working the 0600 to 1400 shift. I was wearing my uniform and operating my patrol car during my shift.

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

I also had with me my patrol issued Remington shotgun. I have qualified on this weapon. This weapon is carried in passenger compartment of my vehicle mounted between the front seats. I had 4 rounds of buck shot in the chambers and four rifle slugs mounted on the side of the weapon. An additional 8 rounds are carried in a bag in the trunk of my vehicle.

I was at the Lebanon when I was notified by Dispatch that the FBI was looking for a person who had attempted to breach the FBI Office in Cincinnati. I was later told to be on the look out for a white Crown Victoria with white male driver traveling northbound on I-71. I was subsequently informed that the suspect was armed with an assault rifle and possibly a nail gun.

Trooper Illanz informed me that he had observed the suspect vehicle traveling northbound on I-71 and was pursuing at normal highway speed. I activated my rear lights and tried to catch up to the suspect; I did not activate my front lights and siren

because I did not wish to alarm the suspect. I, along with four other troopers and a Warren County Deputy Sheriff got behind the suspect vehicle at approximately mile post 37. I was the second car in line. Traffic was moderate. I activated my lights and attempted to make a stop of the vehicle. The suspect vehicle traveled on the berm to pass some cars and trucks on the shoulder. He accelerated to approximately 120-125 mph.

At approximately mile post 40, I heard the suspect fire a shot into a black panel van. I observed a shattered window on the side of the vehicle and damage to the side of the vehicle. I slowed down to check on the driver and passengers of the van. The driver appeared to be uninjured so I continued the pursuit.

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

The suspect exited the vehicle and stood near the rear passenger door. I exited my vehicle with my shotgun. This is consistent with my training and experience in conducting felony stops. I gave verbal commands for the suspect to surrender, put his gun down, and put his hands up. The suspect started firing at me and the other law enforcement officers at the scene. I was struck by a small piece of shrapnel in my left abdomen. I took cover behind my vehicle. I was approximately 100 yards from the suspect.

I believed that I was in imminent danger of death or great bodily harm and the only means of escape from danger was the use of deadly force. I did not believe that I could safely withdraw from the location and adequately protect myself or other possibly innocent persons in the area. I, along with other law enforcement officers present on the scene, returned fire. I believed that I had a clear line of sight on the suspect. I stopped firing and retrieved my rifle from my trunk but was not able to return fire with this weapon.

I observed the suspect crouching down. Lt. [REDACTED] gave verbal commands to the suspect to put down his weapon and come out with his hands up. The suspect did not comply with commands. The suspect was yelling at us but I was unable to understand what he

was saying. Another Trooper stated he observed the suspect pointing what appeared to be a pistol at us.

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

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

I went to Clinton Memorial Hospital. Medical staff removed a small piece of shrapnel from my abdomen. I also suffered hearing loss and pain in my right ear.



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