



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] [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] [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 1046 hours at the offices of Engle & Martin. Attorneys Josh Engle and Mary Martin were present for the interview.

[REDACTED] stated that he has been with the Ohio State Highway Patrol for approximately 10 years and is assigned as a commercial unit for the Clinton County post. On the date of the incident, he was in a clearly marked Trooper uniform and marked patrol vehicle (Chevrolet Tahoe).

[REDACTED] stated that he first learned of this incident when he was at the scale house in Lebanon for weight check inspections. [REDACTED] heard via radio an incident involving the FBI and Lt. [REDACTED] told [REDACTED] to respond with the other units.

[REDACTED] said that via radio he heard that an individual attempted to break into the FBI building and fled the scene. Dispatch stated that the subject attempted to gain access with a nail gun and was armed with an AR-15. The subject was described to be a White male, bald, driving a white Crown Vic with Florida plates.

Around the 25 milepost on North I-71, [REDACTED] stated that Trooper Illanz located the subject's vehicle. [REDACTED] started towards that location with Trooper [REDACTED], Trooper Lt. [REDACTED], and Warren County Deputy [REDACTED]. Around the 35 milepost, all units attempted to make a traffic stop

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.

by initiating their overhead lights and a pursuit ensued.

█████ said that he was 4th in line for the pursuit. He observed the subject shoot at a black panel van and Lt. █████ slowed to check on the occupant of the van, and █████ became 3rd in the pursuit.

█████ said that the subject exited on 73 eastbound then turned left on to Smith Road. The subject stopped, intentionally pulled his car off, and barricaded himself in a ditch.

█████ stated he already had his rifle out and exited his vehicle from approximately 60-65 yards from the subject. █████ drew a rough sketch (not to scale) of the position of his vehicle in comparison to other units on scene (see attachment #1). █████ described that they were surrounded by corn and bean fields and the backstop behind the subject's vehicle was clear.

█████ stated he went to the rear bumper of Trooper █████ vehicle. He could see the shoulder strap of a rifle on the subject who was crouched down at his rear driver's door and the barrel was pointed in his general direction. At this time, █████ stated that the subject shot at officers and █████ fired back, emptying his first magazine (28 rounds). █████ got additional magazines from the trunk of his vehicle and went back to Trooper █████ vehicle.

█████ said that he saw a silhouette of the subject and fired an additional 2 rounds at the subject through the subject's window. █████ approximated that he went through half of his 2nd magazine and fired approximately 35-40 rounds total. █████ stated that most of his rounds impacted the rear body and window of the subject's vehicle.

At one point, Trooper █████ thought he was shot and █████ checked him for injuries but was unable to locate anything. █████ maintained cover until additional units showed up and he was eventually relieved by SWAT.

█████ stated he went to the Wilmington post to debrief and meet with BCI. Lt. Price collected and secured his rifle after it was unloaded and made safe. █████ 1st fired magazine was not originally collected at the scene and had since been reloaded, therefore it was not collected.

The interview between █████ and BCI concluded at 1117 hours and was audio recorded. See attachments for a copy of the audio recording (attachment #2) and typed statement provided by █████ (attachment #3).

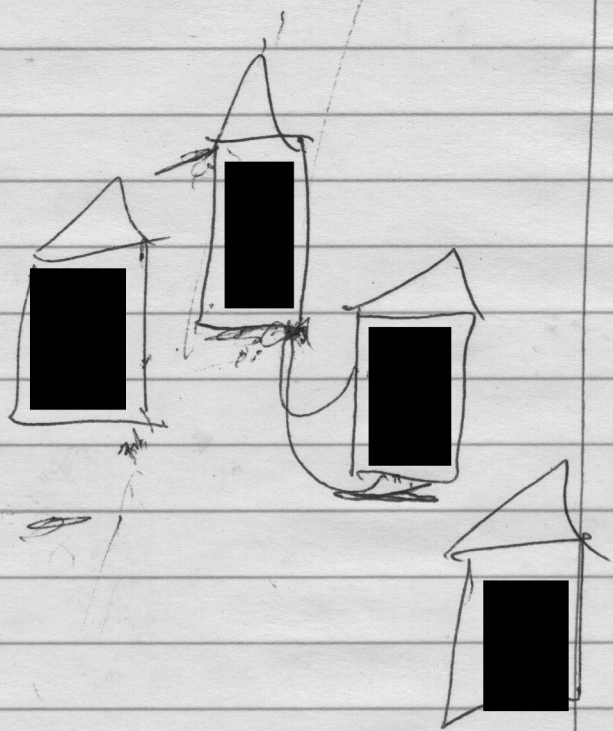
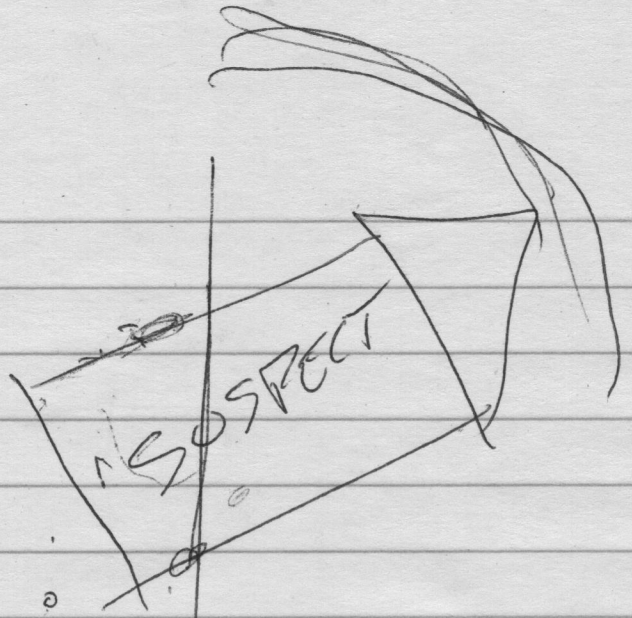
Attachments:

- Attachment # 01: Trooper █████ █████ Diagram
- Attachment # 02: 2022-09-06 / Trooper █████ █████ audio interview
- Attachment # 03: Trooper █████ █████ Written Statement

Exhibit 1

BEAN

OTAN



T Pr



9/6/22

Exhibit 2

Included as a separate file.

Exhibit 3

STATEMENT OF [REDACTED]

AUGUST 17, 2022

I am a Trooper with the Ohio State Highway Patrol. I have been employed as a law enforcement officer since 2013. I graduated from the Ohio State Highway Patrol Academy in Columbus, Ohio in 2014.

I am currently assigned as a DOT Trooper at the Wilmington Post. I primarily work in the Lebanon area.

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

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

On August 11, 2022, I was working the 0800 to 1800 shift. I was wearing my uniform and operating my patrol car during my shift. While on duty, I carry my Sig Sauer 320 9mm pistol along with 3 magazines containing 17 rounds each. One magazine is contained in the firearm, the remaining 2 are carried on my duty belt. My firearm had 18 rounds (1 in the weapon and 17 in the magazine).

I also had with me my personal AR-15. I am permitted to carry my personal rifle, per policy, and I have qualified on this weapon. This weapon is carried in passenger compartment of my vehicle mounted between the front seat. I had 3 magazines containing 28 rounds each. One magazine is contained in the firearm, the remaining 2 are carried in a bag in the trunk.

I was inspecting vehicles when I overheard radio traffic concerning an incident involving the FBI. I was told by Lt. [REDACTED], to get into my car to assist. I was advised that a suspect had attempted to break into the FBI building. I was advised that a white male driving a white crown Victoria with Florida plates was traveling northbound on I-71. I was also informed that the suspect was armed with a nail gun and AR-15.

I was informed that another trooper had observed the suspect vehicle traveling northbound on I-71 and was pursuing at normal

highway speed. I activated my lights and sirens and tried to catch up to the suspect. I, along with four other troopers and a Warren County Deputy Sheriff got behind the suspect vehicle at approximately mile post 37. I was the fourth car in line. Traffic was light to medium. Trooper Illanz activated his lights and attempted to make a stop of the vehicle. The suspect vehicle traveled on the berm to pass some cars, and then accelerated to approximately 100 mph.

At approximately mile post 40, the suspect fired a shot into a black panel van. I observed a shattered window on the side of the vehicle and damage to the side of the vehicle. I observed that driver appeared to be uninjured so I continued the pursuit. Other troopers advised that shots had been fired.

We maintained the pursuit. The suspect exited on SR 73. The suspect ran through a red light and nearly struck a vehicle. The suspect continued east on SR 73. The suspect turned left on to Smith Road. He crossed over the interstate at a high rate of speed. He stopped suddenly and pulled the car partially into a ditch near some trees.

During the pursuit I had removed my rifle. I exited my vehicle with my rifle. This is consistent with my training and experience in conducting felony stops.

The suspect exited the vehicle and stood near the rear passenger door. I observed a black strap that appeared to be for a rifle hanging below the vehicle. The suspect started firing at us. I heard the shots and was able to observe muzzle flashes come from under the suspect's vehicle. I took cover behind the bumper of another vehicle. I was approximately 70 yards from the suspect.

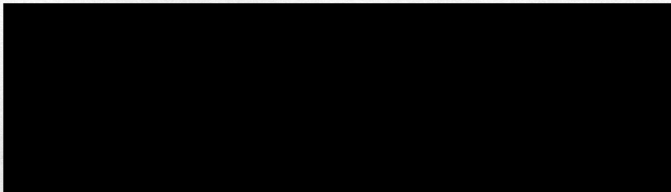
I believed that I was in imminent danger of death or great bodily harm and the only means of escape from danger was the use of deadly force. I did not believe that I could safely withdraw from the location and adequately protect myself or other possibly innocent persons in the area. I, along with other law enforcement officers present on the scene, returned fire. I had a clear line of sight on the suspect and believed I had a safe backstop. I emptied the entire magazine of 28 rounds. I could see bullet holes in the passenger side rear of his vehicle and observed the back window of the car shattering. I returned to my car to retrieve more ammunition. I reloaded and returned to my original location behind the bumper of the other vehicle.

I opened the trunk to the other vehicle so Trooper [REDACTED] could retrieve his rifle. Trooper [REDACTED] indicated that he might have been hit. I inspected Trooper [REDACTED] and did not see any wounds.

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

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

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



8/17/2022