



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



2023-2306

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

Investigative Activity: Video Review and Timing Analysis
Involves: Officer Toussant (S)
Activity Date: 03/19/2024
Activity Location: BCI Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On March 19, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Armstrong completed a video review and timing analysis of video footage recorded on Officer Robert Toussant's body worn camera (BWC) during the shooting incident on September 3, 2023. Video files determined to be most relevant to the shooting portion of the event were provided to the Ohio Organized Crime Investigations Commission (OOCIC) for analysis and the creation of video productions capable of being evaluated for a timing calculation. The OOCIC produced multiple video productions. For this review and timing calculation the video file titled SA Armstrong utilized the video file titled *23-00084 Toussant Timeline Presentation* was utilized.

Disclaimer and Additional Factors to Consider When Evaluating Video

The speed of the incident is remarkable. The speed and complexity of rapidly evolving situation(s) that occur during use of force encounters are difficult concepts to comprehend by only watching the video or listening to the audio recording.

Video and audio recording devices also record more information about a particular scene or incident than the person(s) involved in the incident can process during the critical incident. Video and audio recording devices rarely record an event from the same perspective of the officer or subjects involved. It captures the action but not the perception, decision-making, focus or intent of the officer. Video recordings often miss tactile cues or other actions of a subject.

Video and audio recording devices record within the video and sound capabilities available, and they record objectively. Video and audio recordings lack the history, perspective, and interest of the people involved. The positions, angles, obstacles, lighting, and distance from the incident are also factors that need serious consideration.

Video and audio recordings are only components of an investigation and should not be the only evidence relied upon. All available evidence, statements and other information must be evaluated alongside the video recordings available.

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.



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



2023-2306

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

Due to audio recording limitations, the speed at which sound travels, the distance of the recording device from the originating location of the sound, the size and density of objects positioned between the recording device and the location of a sound, and various other environmental factors, sounds heard on a recording may not be definitively identified.

Throughout this report the percussion sounds consistent with the sound of gunfire may be referred to as gunshots or gunfire. It should be noted that those references are based on the totality of corroborating information and evidence gathered throughout this investigation.

Method and Process

SA Armstrong utilized the audio waveform effect 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).

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.

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.



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



2023-2306
 Officer Involved Critical Incident - [REDACTED]
 [REDACTED], Alliance, OH 44601, Stark County

Screen Left

Screen Right



Frame Counter

Figure 1

Audio 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 and attached to this report.

Video Review

23-00084 Toussant Timeline Presentation

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

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.



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



2023-2306

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

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 (Sgt) Sgt. 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 Sgt. 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] ([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*).

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*).

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.



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



2023-2306
 Officer Involved Critical Incident - ██████████
 ██████████, Alliance, OH 44601, Stark County

At 03:03 ██████████ appears to pull her head down and to her right which exposed Appleby's head. The knife rises toward the top of ██████████'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 ██████████'s right hand as she then fell on top of Appleby while dropping the knife (*Toussant BWC Image 12*).



Toussant BWC Image 1

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.



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



2023-2306

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



Toussant BWC Image 2

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.

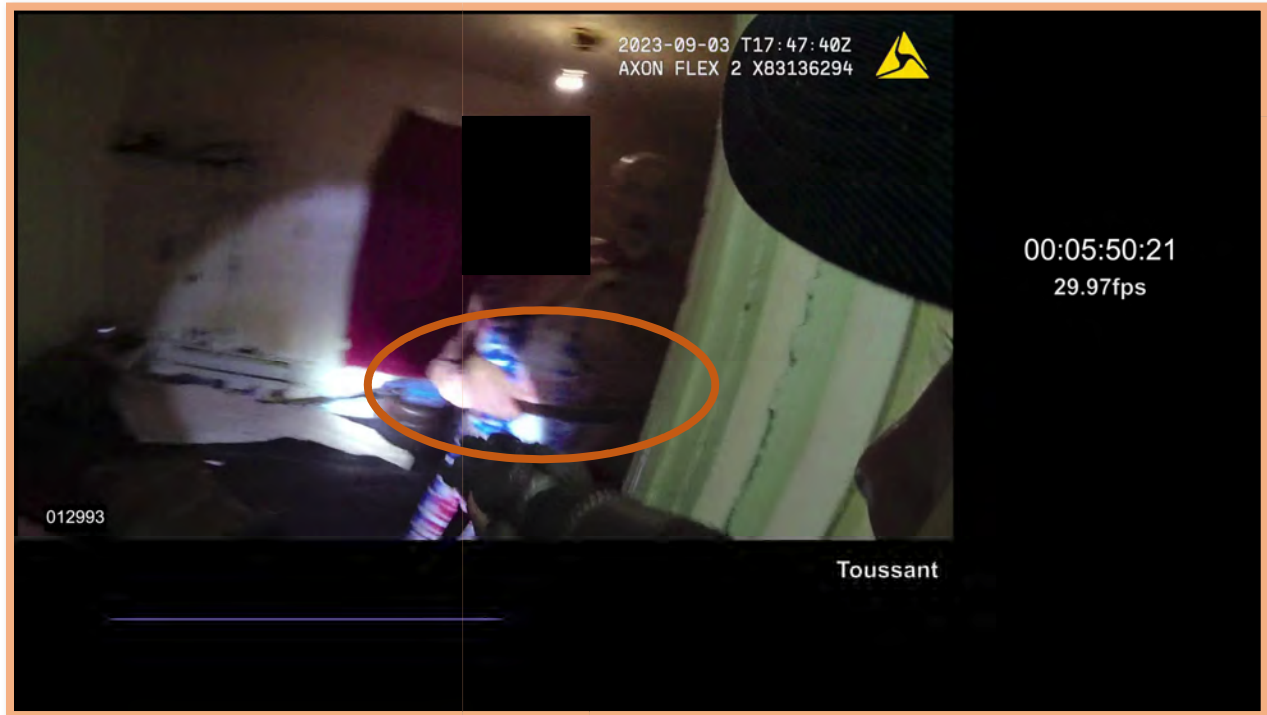


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

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



Toussant BWC Image 3

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.



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



2023-2306
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 4

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.

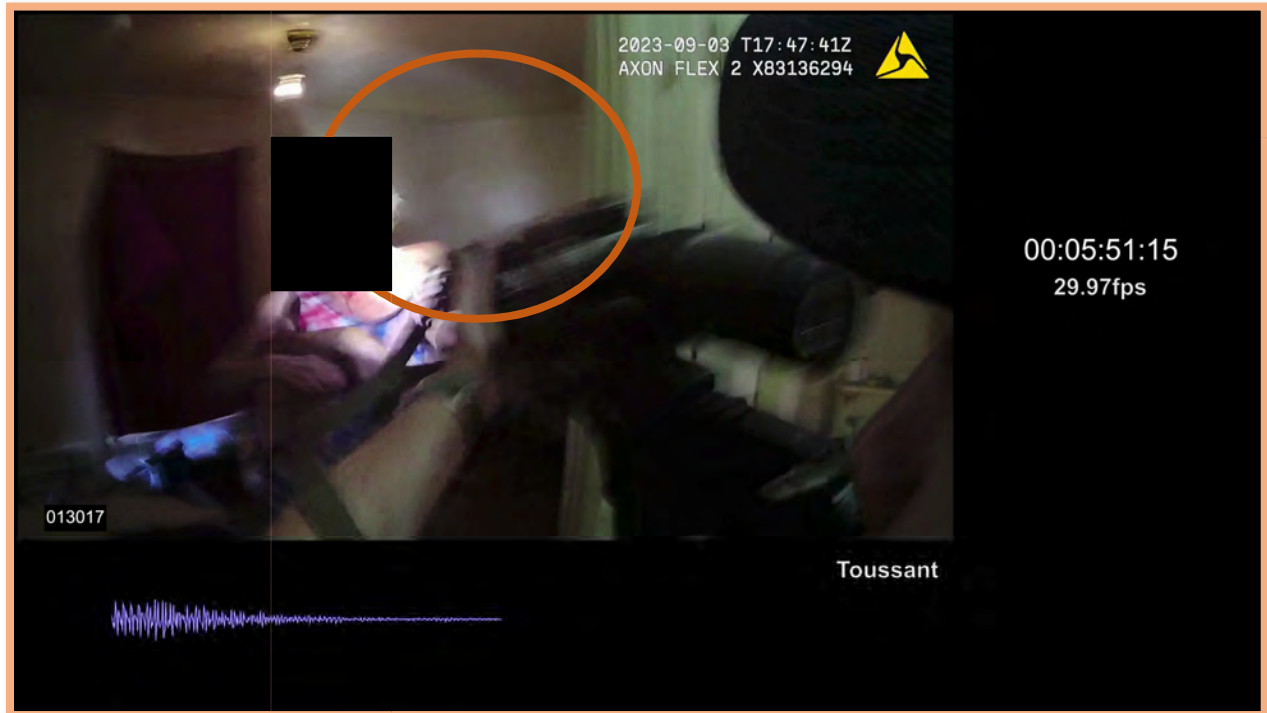


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

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



Toussant BWC Image 5

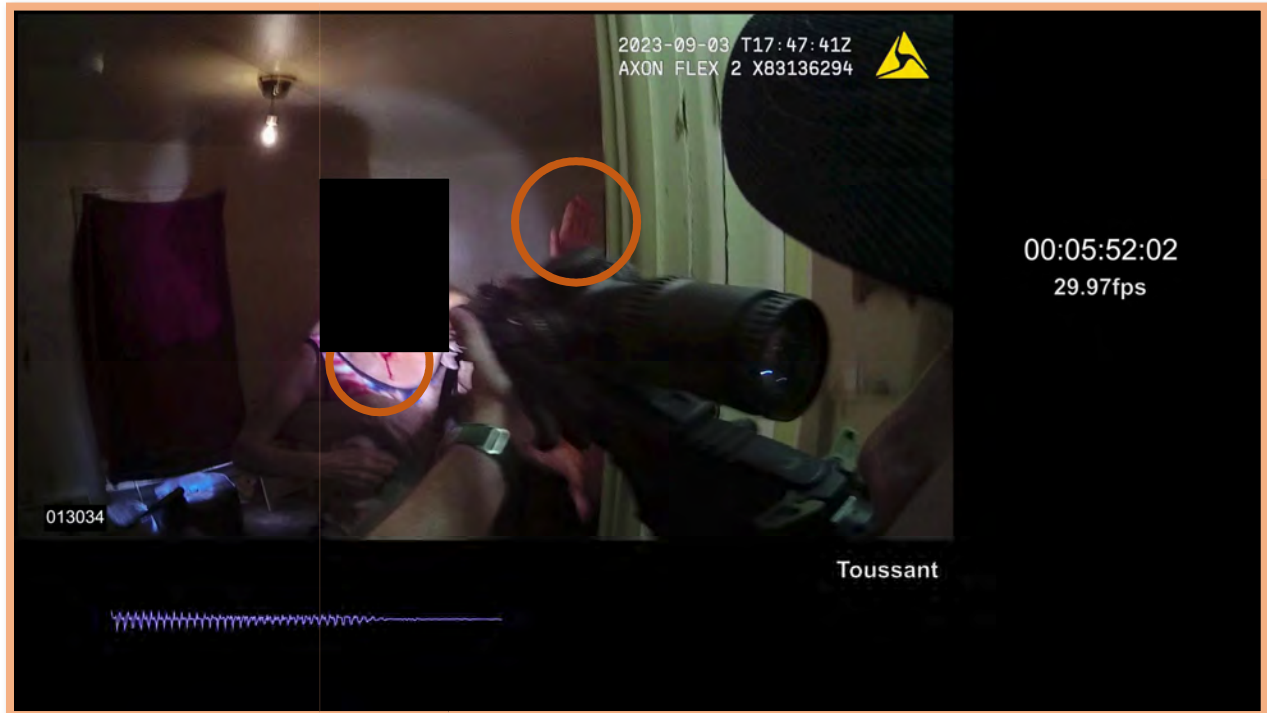
This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 6

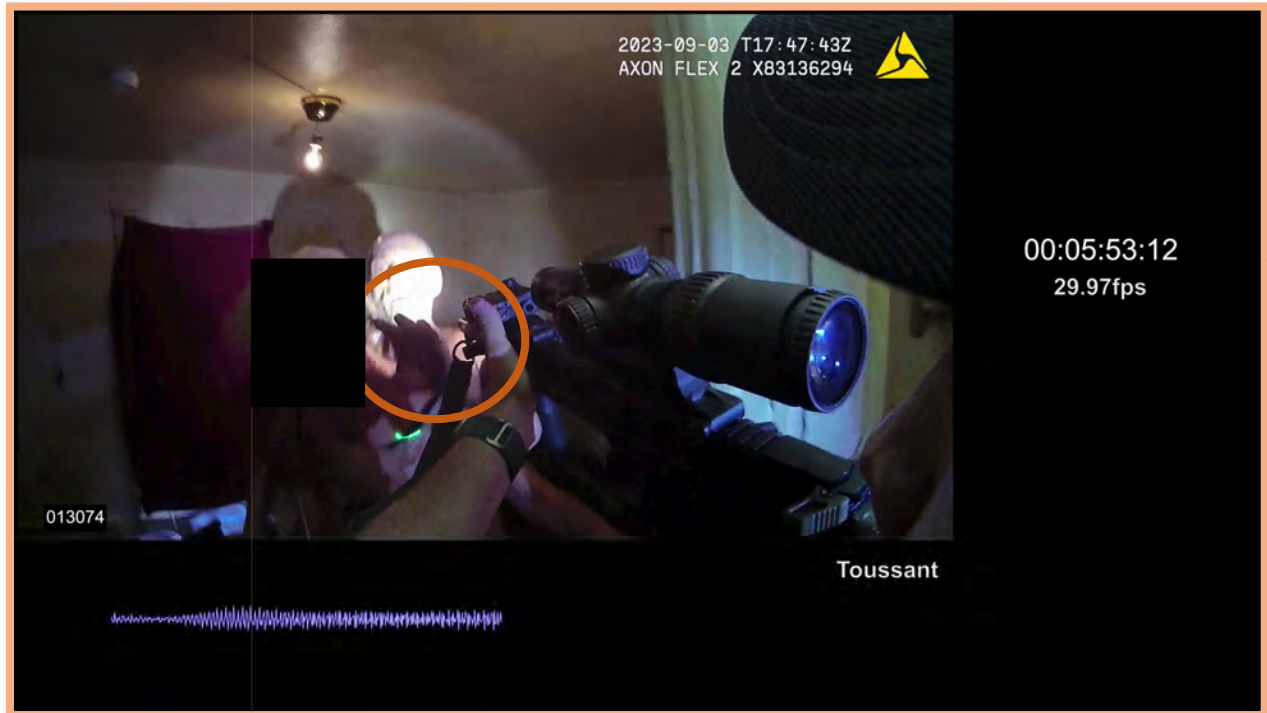
This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 7

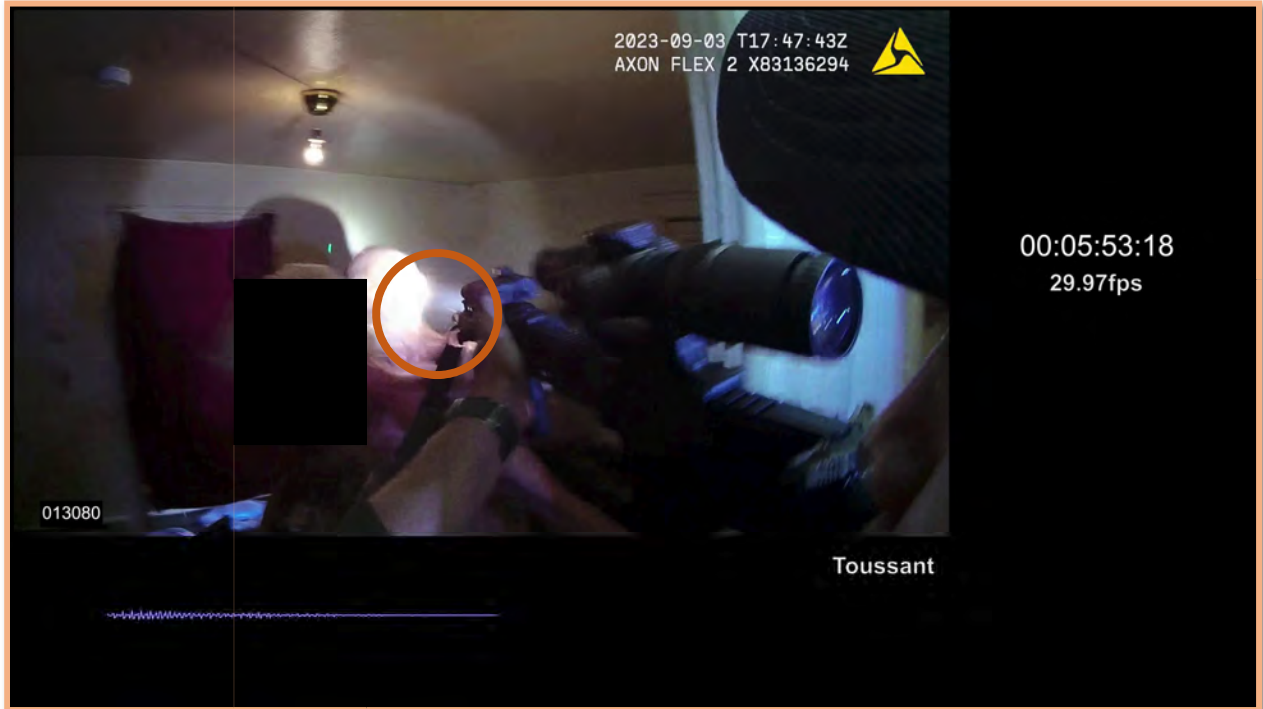
This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 8

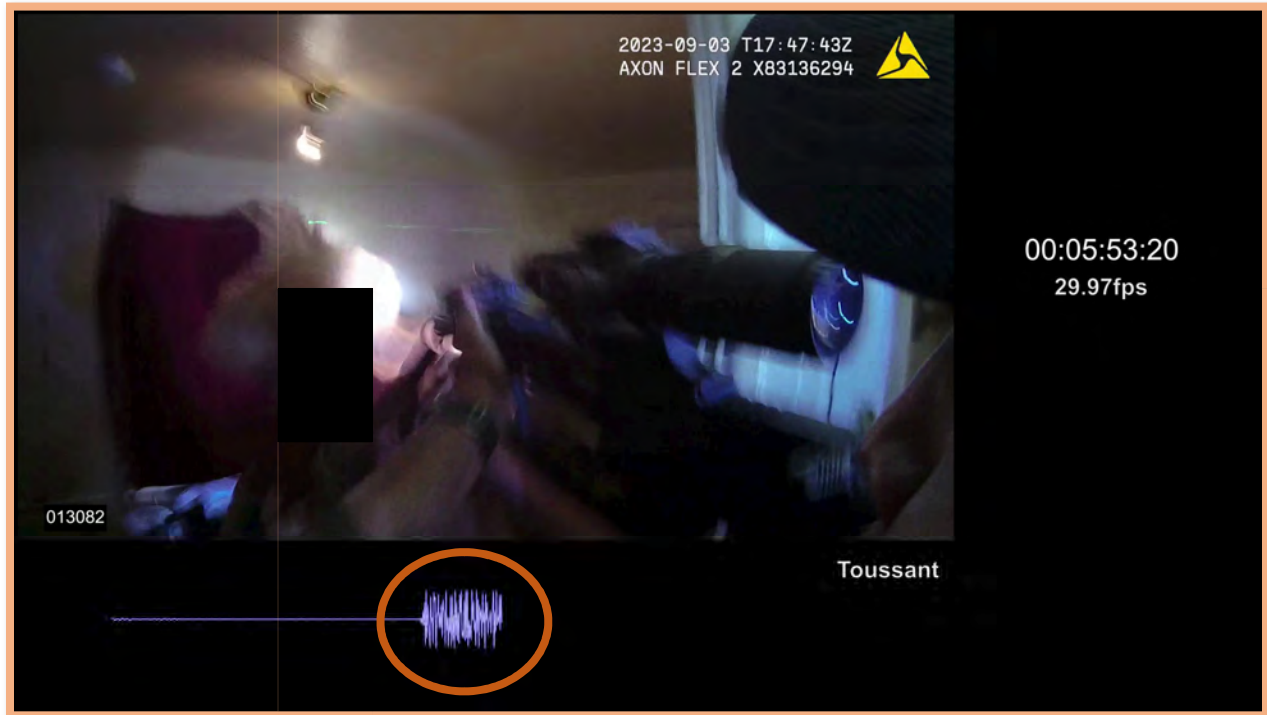
This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 9

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.

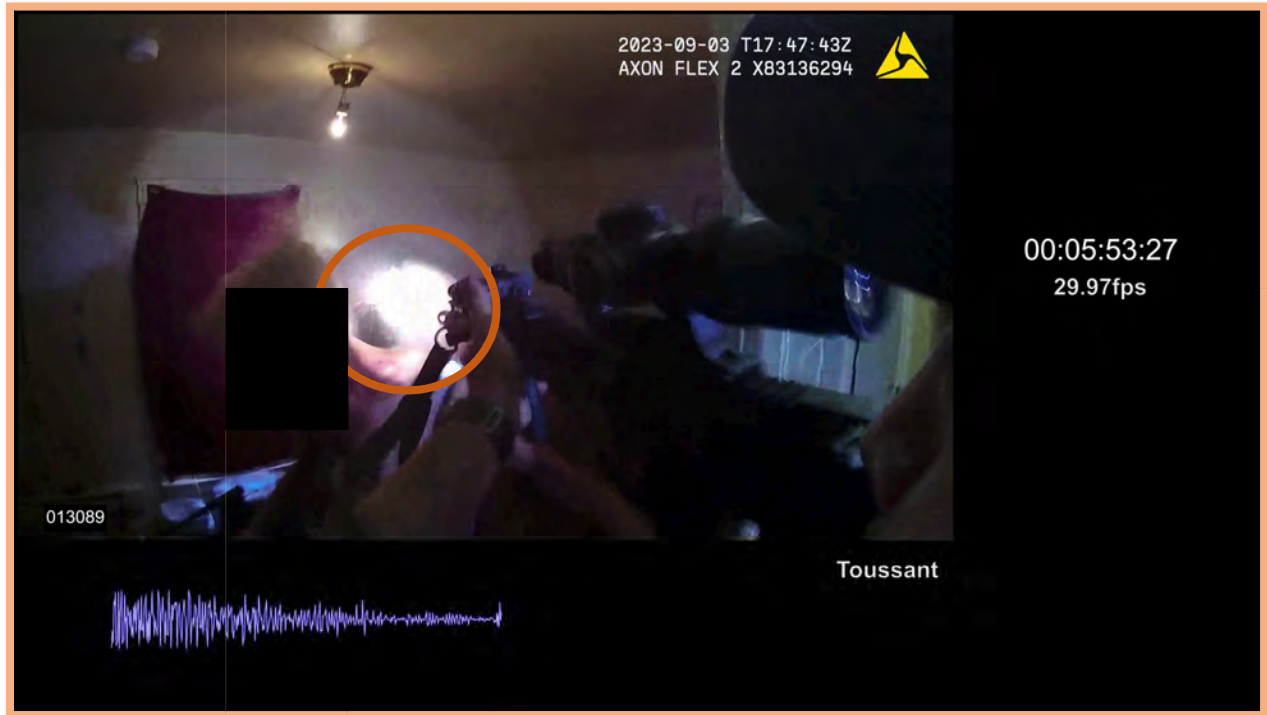


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

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



Toussant BWC Image 10

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.

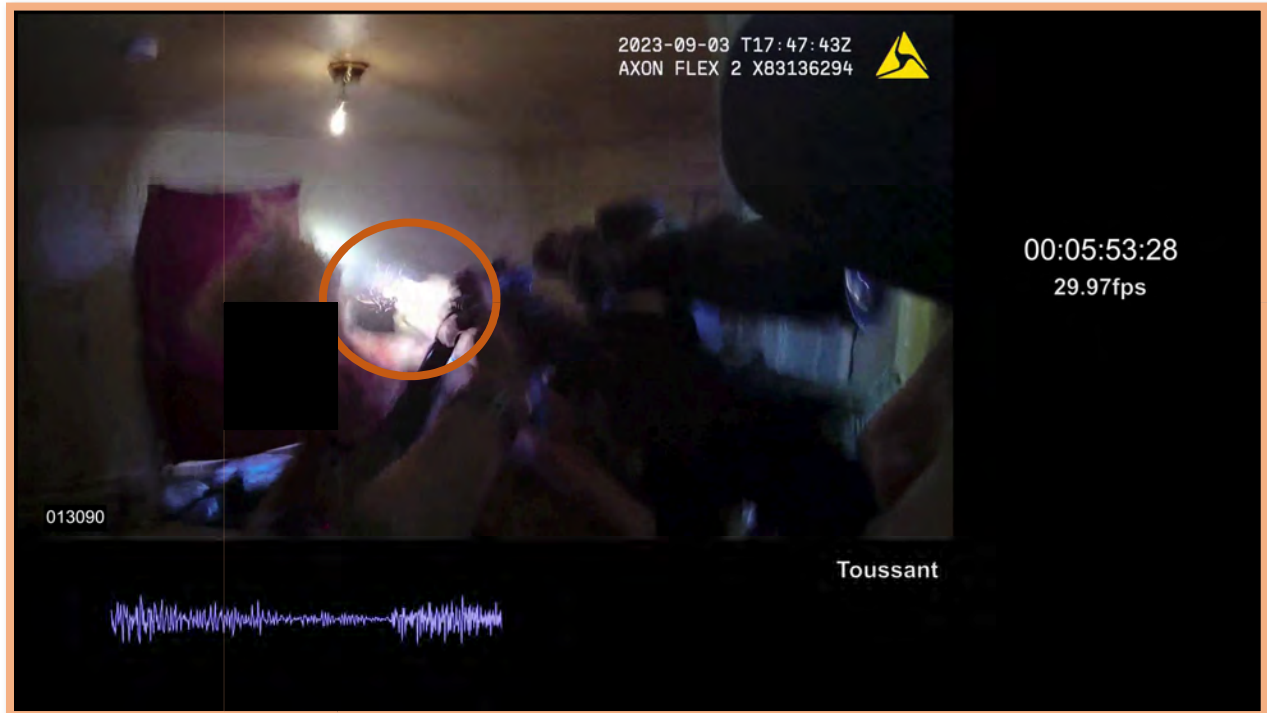


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

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



Toussant BWC Image 11

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.



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



2023-2306

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



Toussant BWC Image 12

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.



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



2023-2306

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

Timing Analysis

SA Armstrong identified 5 significant events. 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 spread sheet. 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* and has been attached to this report.

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. They have been attached to this report.

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.

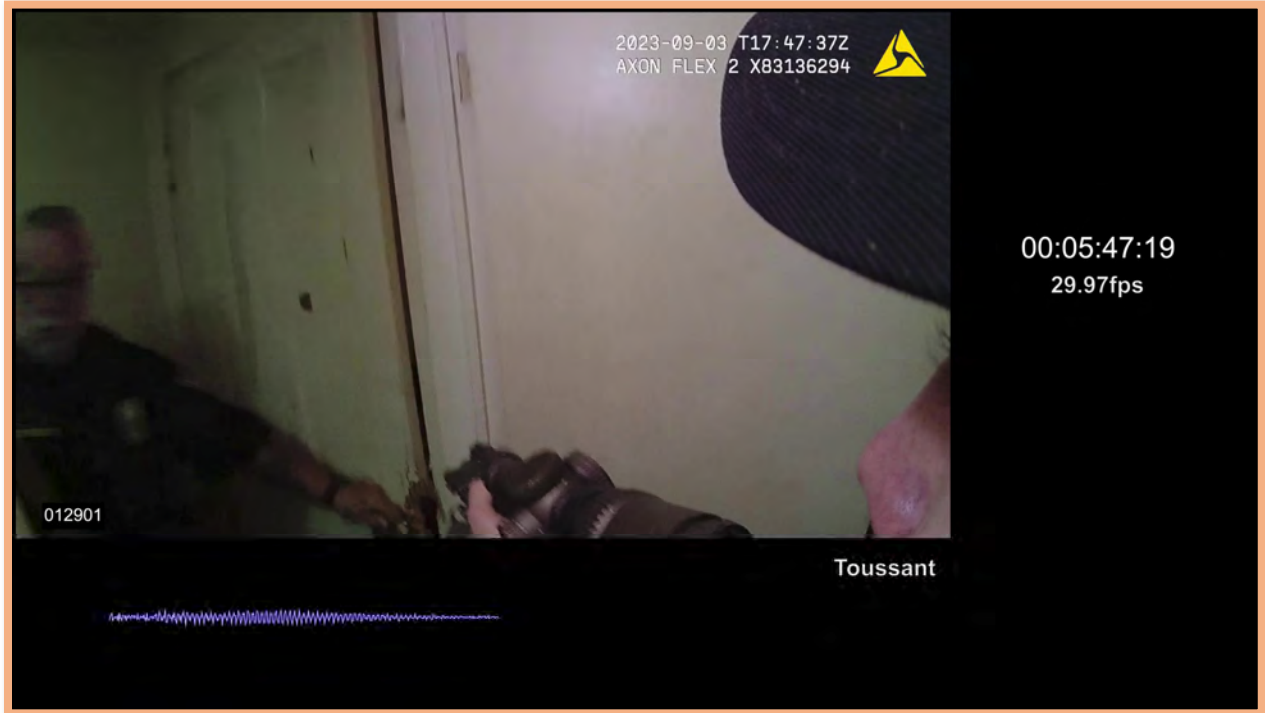


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

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



Toussant BWC Image 13

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.

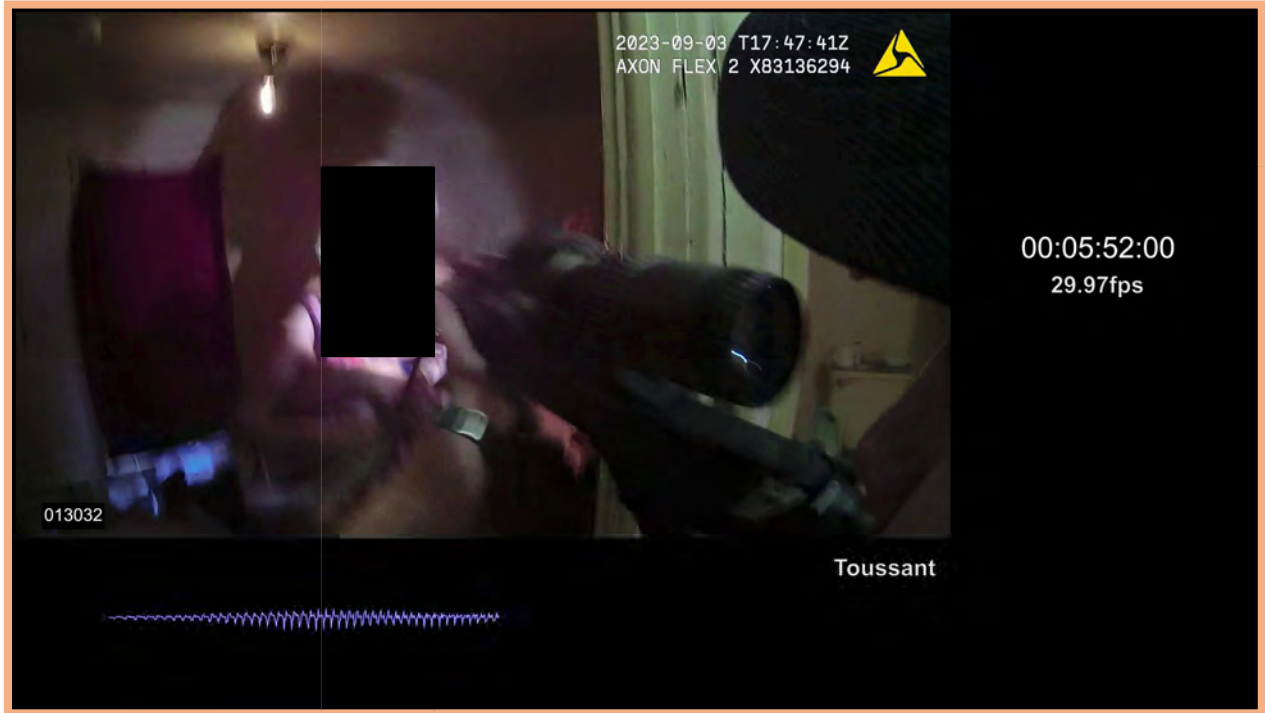


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

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



Toussant BWC Image 14

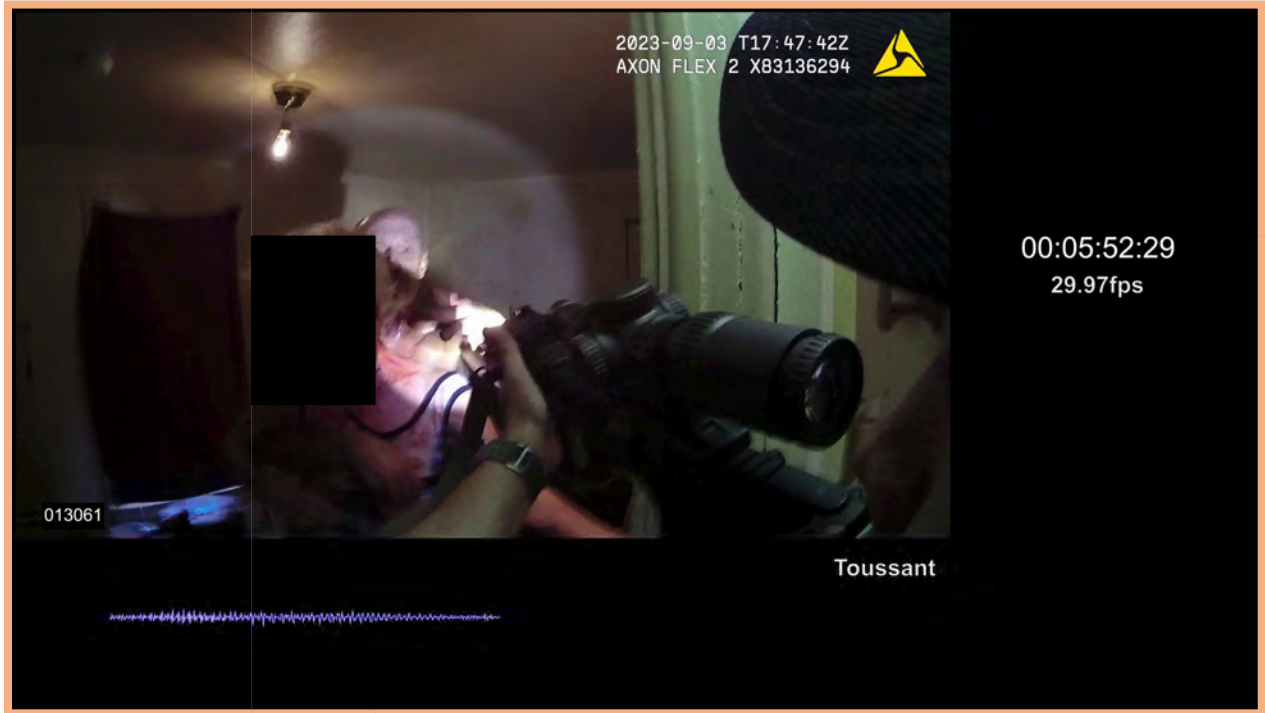
This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 15

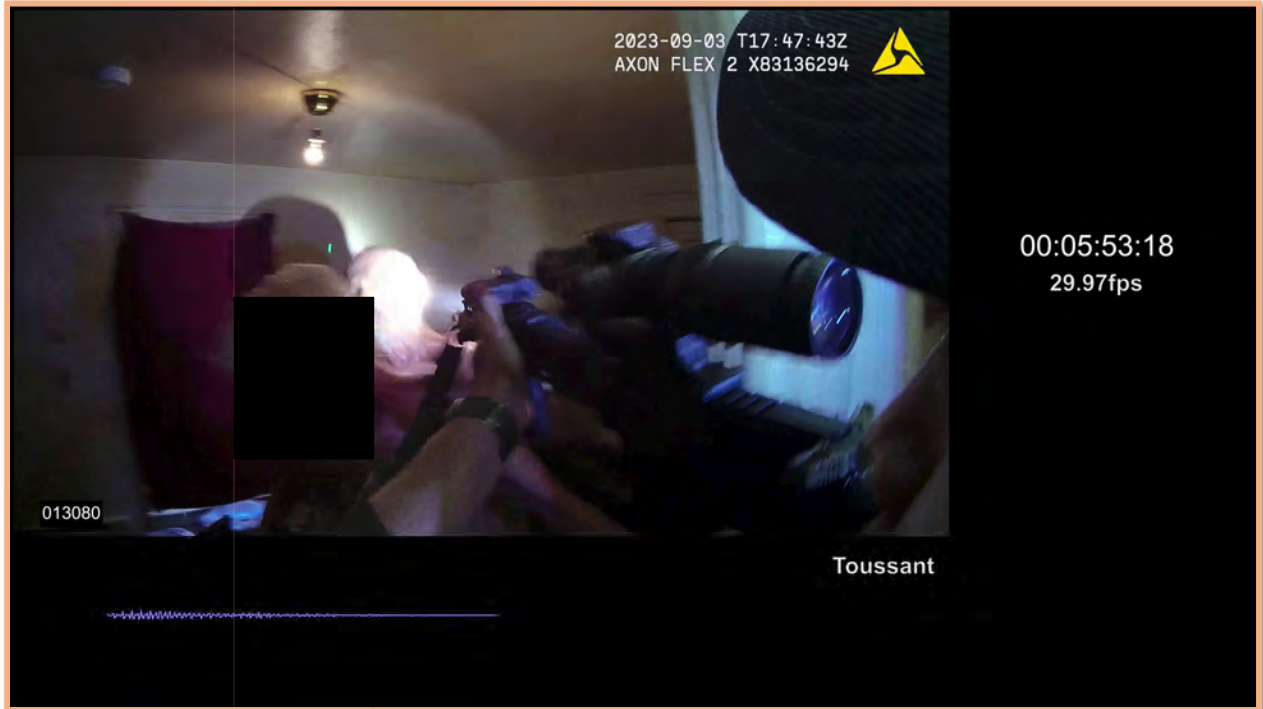
This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2023-2306
Officer Involved Critical Incident - [REDACTED]
[REDACTED], Alliance, OH 44601, Stark County



Toussant BWC Image 8

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.

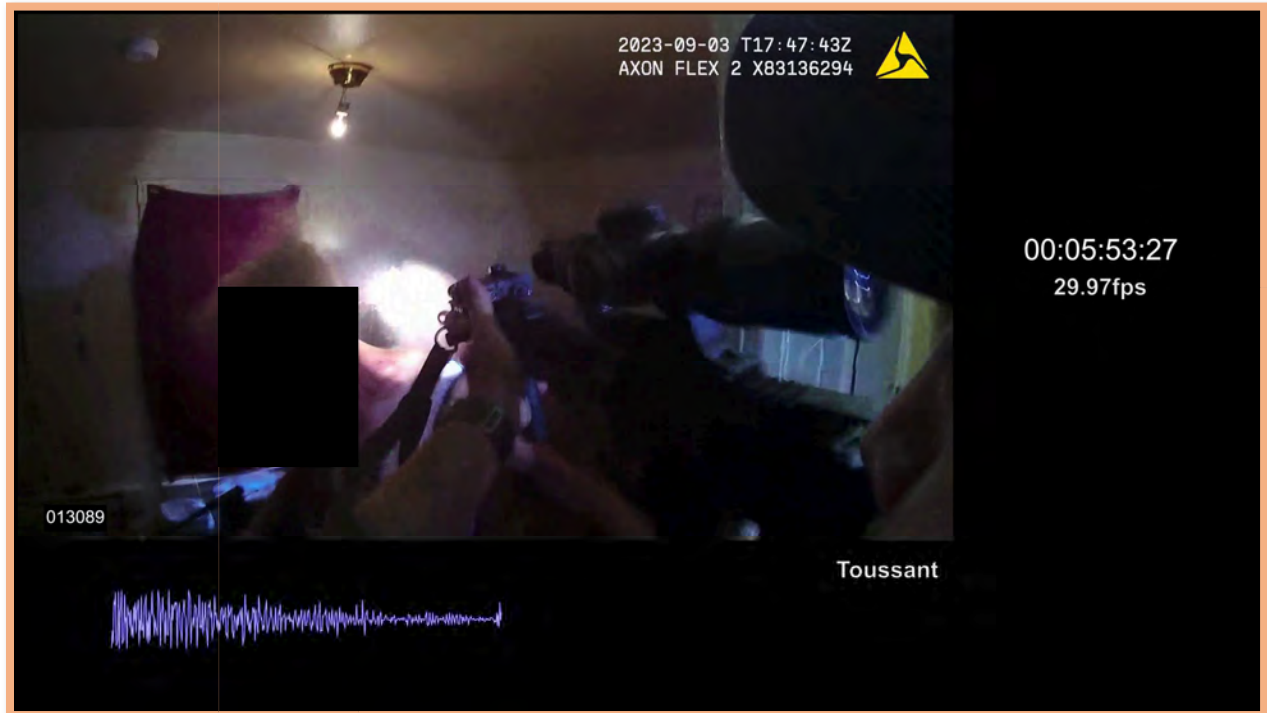


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

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



Toussant BWC Image 10

Reference Items:

1. Item D - OOCIC Video Production

Attachments:

1. OCIC Presentation - Frame and Time Calculations - Toussant
2. Toussant BWC Images 1 - 15

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.

IMAGE #13	IMAGE #14	IMAGE #15	IMAGE #8	IMAGE #10
Frame #12901	Frame #13032	Frame #13061	Frame #13080	Frame #13089
Bedroom door opened	Appleby began to raise left hand	Appleby reached toward muzzle of Rifle and begins letting go of knife	First shot captured through muzzle blast	Second shot captured through muzzle blast
Frame #'s	Frame #'s	Frame #'s	Frame #'s	Frame #'s
12901	13032	13061	13080	13089
12902	13033	13062	13081	
12903	13034	13063	13082	
12904	13035	13064	13083	
12905	13036	13065	13084	
12906	13037	13066	13085	
12907	13038	13067	13086	
12908	13039	13068	13087	
12909	13040	13069	13088	
12910	13041	13070	Total	
12911	13042	13071	9	
12912	13043	13072	0.03333333	
12913	13044	13073	Time	
12914	13045	13074	0.29999997	
12915	13046	13075	0.3 Seconds	
12916	13047	13076		
12917	13048	13077		
12918	13049	13078		
12919	13050	13079		
12920	13051	Total		
12921	13052	19		
12922	13053	0.03333333		
12923	13054	Time		
12924	13055	0.63333327		
12925	13056	0.63 Seconds		
12926	13057			
12927	13058			
12928	13059			
12929	13060			
12930	Total			
12931	29			
12932	0.03333333			
12933	Time			
12934	0.96666657			
12935	0.97 Seconds			
12936				
12937				
12938				
12939				
12940				
12941				
12942				
12943				
12944				
12945				
12946				
12947				
12948				
Cont. to				
13031				
Total				
131				
0.03333333				
Time				
4.36666623				
4.4 Seconds				

Row 1 contains a corresponding Image # . Row 2 contains the Frame #. Each IMAGE # in Row 1 corresponds to the Frame # and the images within the timing analysis portion of report.

Method for Time Calculation

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, the product was rounded to the nearest hundredth place decimal (example 0.46666662 was rounded to 0.47 seconds).

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				

2023-09-03 T17:44:44Z
AXON FLEX 2 X83136294



00:02:54:10
29.97fps



007702

Toussant

2023-09-03 T17:47:38Z
AXON FLEX 2 X83136294



00:05:48:12
29.97fps

012924

Toussant



2023-09-03 T17:47:40Z
AXON FLEX 2 X83136294



00:05:50:21
29.97fps

012993

Toussant

2023-09-03 T17:47:40Z
AXON FLEX 2 X83136294



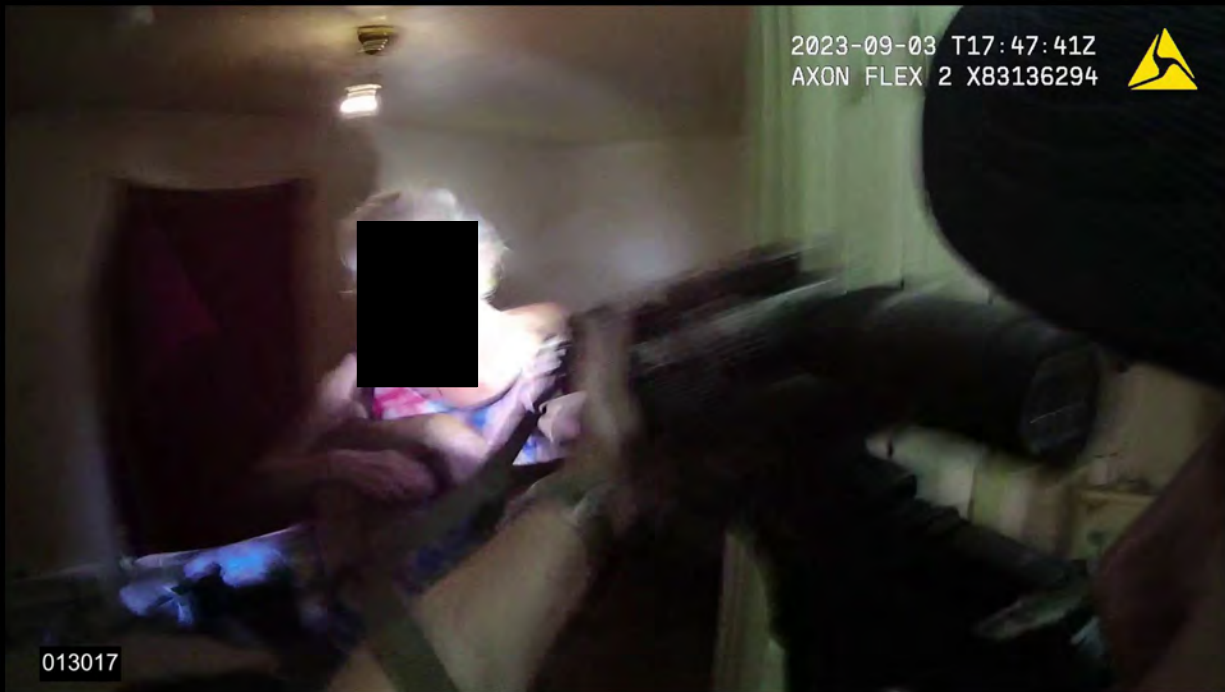
00:05:51:02
29.97fps

013004

Toussant



2023-09-03 T17:47:41Z
AXON FLEX 2 X83136294



00:05:51:15
29.97fps

013017

Toussant



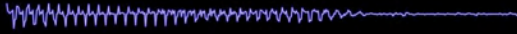
2023-09-03 T17:47:41Z
AXON FLEX 2 X83136294



013034

00:05:52:02
29.97fps

Toussant



2023-09-03 T17:47:43Z
AXON FLEX 2 X83136294



00:05:53:12
29.97fps



013074

Toussant



2023-09-03 T17:47:43Z
AXON FLEX 2 X83136294



00:05:53:18
29.97fps

013080

Toussant



2023-09-03 T17:47:43Z
AXON FLEX 2 X83136294



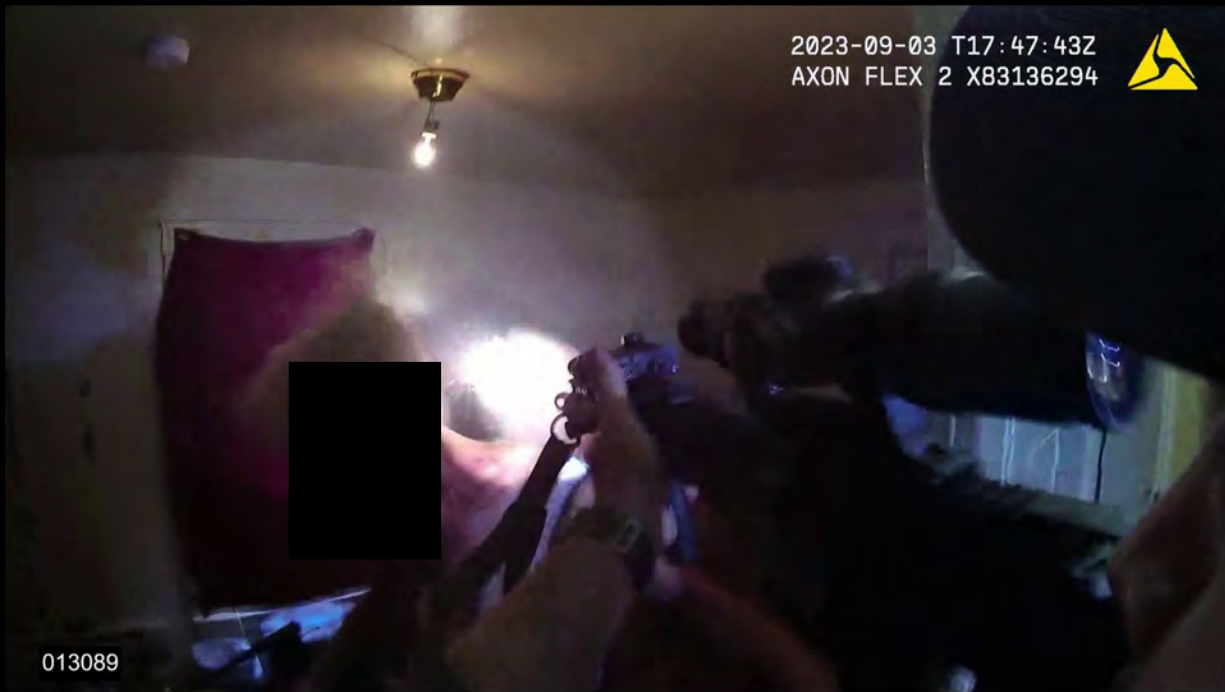
00:05:53:20
29.97fps

013082

Toussant



2023-09-03 T17:47:43Z
AXON FLEX 2 X83136294



00:05:53:27
29.97fps

013089

Toussant



2023-09-03 T17:47:43Z
AXON FLEX 2 X83136294



00:05:53:28
29.97fps

013090

Toussant





00:05:55:06
29.97fps

013128

Toussant

2023-09-03 T17:47:37Z
AXON FLEX 2 X83136294



00:05:47:19
29.97fps



012901

Toussant



2023-09-03 T17:47:41Z
AXON FLEX 2 X83136294



00:05:52:00
29.97fps

013032

Toussant



2023-09-03 T17:47:42Z
AXON FLEX 2 X83136294



00:05:52:29
29.97fps

013061

Toussant

