

1 UNIVERSITY OF CINCINNATI POLICE INVOLVED SHOOTING
2 OF SAM DUBOSE
3 STATEMENT
4 OF
5 POLICE OFFICER RAYMOND TENSING



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7
8 Code to persons speaking in statement:
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10 Q: Police Officer Terry McGuffey
11 Homicide Unit
12 Cincinnati Police Department
13 824 Broadway Street
14

15 QQ: Police Specialist Shannon Heine
16 Homicide Unit
17 Cincinnati Police Department
18 824 Broadway Street
19

20 A: Police Officer Raymond Tensing
21

22 (Note: Inaudible portions of statement indicated by dashes)

23 QQ: Shannon Heine

24 A: Ray Tensing, nice to meet you.

25 QQ: Nice to meet you.

26 Q: Terry McGuffey, nice to meet you Ray.

27 QQ: Well um, you know why you're here.

28 A: Yes.

29 QQ: I'm glad that we're here to talk. Sorry about the circumstances around it but it's
30 just a formality.

31 A: Okay.

32 QQ: All right. Um, before we start I'm gonna read this to you. Um, the current time
33 right now is uh, 1:58, today's date is July the 21st. This is not a custodial interrogation
34 and you are not under arrest. As a result we are not legally obligated to read you your
35 Miranda Rights. You are also present with counsel. However, you did fire a shot that took

1 someone's life and as a result could possibly face criminal charges. Are you willing to
2 answer questions related to the shooting incident that took place on Sunday July 19,
3 2015?

4 A: Yes I am.

5 QQ: Okay. Before we start will you go ahead and just tell me a little bit about
6 yourself? I know your name is Ray Tensing.

7 A: Yes ma'am.

8 QQ: How old are you?

9 A: I'm twenty-five years old. Um, born and raised in Colerain Township. Um, I went
10 to Colerain High School. I was a Sheriff's Explorer for Hamilton County for uh, five
11 years, obtained the rank of Captain. I went to Ohio State my freshman year, studied
12 Criminology, uh transferred to UC my sophomore year. Um, graduated in 2012 with a
13 Bachelor of uh, Criminal Justice degree, Bachelor of Science degree. Um, during my um,
14 during college I went to UC Clermont's Police Academy where I became certified. Uh,
15 shortly after that I was hired as a part-time Police Officer for the Village of Greenhills
16 and after graduating college I was promoted to full-time at Greenhills. Um, in April of
17 2014 I was then hired full-time as a University of Cincinnati Police Officer.

18 QQ: Okay. How long did you work for Greenhills?

19 A: Uh, approximately, let's see, April of '11 to um, December of '14, so just shy of
20 four years.

21 QQ: Okay. And what's your current rank with UCPD?

22 A: Uh, Patrol Officer.

23 QQ: Okay. What's your shift?

24 A: Uh second shift. 3 p.m. to 1 a.m.

25 QQ: Do you ride with a partner or typically ride solo?

26 A: Uh, for pretty much the first half of our shift we're solo. We're primary from 3:30
27 p.m. to 9:30 p.m. Um, at 9:30 p.m. third shift comes in and they take over as primary and
28 at that point, um, depending on what beat we are that day, we can be paired up with
29 another second shift officer until 1 a.m.

30 QQ: Okay. The um, incident that took place on um, Rice Street at Valencia, will you
31 tell me what occurred that day?

1 A: Uh yes. I was um, sitting at the intersection of E. Hollister and Vine Street. Um, I
2 had just come down Auburn and taken a right on E. Hollister and I was planning on um,
3 travelling westbound over Vine Street to go up W. Hollister back to McMillan. Um, as I
4 was sitting at the intersection of E. Hollister and Vine Street, I looked up to the north and
5 I saw um, I saw a, a green Honda Accord with no front license plate coming from that
6 intersection. And he was travelling southbound in the number one lane on Vine Street.
7 And he past um, the intersect, the intersection that I was sitting at. Uh, I noticed that he
8 did not have a front plate on the vehicle, um, as the vehicle past, I ran the rear license
9 plate, which was an Ohio plate. Um, I ran it in my MDC, it came back to a female and
10 she was under a driving suspension. That's when I pulled out southbound on Vine Street,
11 um, after the vehicle to initiate a traffic stop.

12 QQ: Okay. At what point um, go ahead, just finish the, the entire incident.

13 A: Uh, vehicle continued down southbound Vine Street, um, when we were
14 approaching Thill um, that's when I flipped on my lights, my takedown lights, my red
15 and blues, to initiate a traffic stop. And I simultaneously called out over my radio that I
16 was conducting a traffic stop um, on Thill Street just off of Vine. Um, after I noticed that
17 he turned on his blinker to turn eastbound onto Thill Street. Um, I then followed him onto
18 Thill Street with my emergency lights activated, uh, he did not stop right away. Um, and
19 with it being daytime, um, I flipped on my siren a couple times just to make sure that he
20 knew I was behind him attempting to pull him over. He still continued um, all the way
21 down Thill Street with my siren, I kept flicking it on. Uh, he wasn't fleeing from me, he
22 just wasn't stopping. He just kept driving. Uh, he turned right, south onto Rice Street,
23 where he then pulled over on the side of the road and I then pulled up behind him. Um,
24 when this was happening, I advised my dispatch that he was slow to stop. Um, that he
25 wasn't fleeing from me but he was just slow to stop. Um, and I exited my vehicle, I walk
26 up to uh, Mr. Dubose. I make contact with him. Um, I asked him what his name was and
27 I don't' believe he answered me. I then introduce myself, I said I'm Officer Tensing with
28 UC Police and I asked him for his Driver's License. Um, I asked him for his Driver's
29 License several times, he did not produce one. He asked the reason um, as to why I
30 stopped him and I explained that to him that his front license plate um, was not on the
31 vehicle. He then took the key out of the ignition and reached over to the glove box with

1 the key and unlocked the glove box with his key. He then pulled out the front license
2 plate and showed me that he did, in fact, have a front license plate but it was in his glove
3 box. I said you don't need to pull that out, you don't need to reach for that, it's okay. Um,
4 then I again asked him for his Driver's License. Again he just, he just made movements
5 with his hands like he was digging in his pockets. He was just kinda looking around um,
6 he made eye contact with me a couple times but he'd then look away. And I just kept
7 asking him for his Driver's License. Um, and he said he had one but it wasn't on him.
8 And then I asked him um, just be honest with me, are you under a driving suspension? He
9 said no. He said something to the effect of you can run my Social Security Number, I can
10 give you my, my Social. Um, at that point, I could not ID him. I did not know who he
11 was. He was failing to display his Driver's License to me. Um, I advised him that I was
12 gonna detain him and I proceeded to um, open the car door. As I opened the car door, um,
13 I advised him to um, to remove his seatbelt. He immediately with his left hand pulled the
14 car door shut and did not take off his seatbelt. And immediately after that, he reached up
15 and turned the key, which was in the ignition at this point, he turned the key back on. At
16 this point, I was so close to Mr. Dubose, so close to his vehicle, um, I thought I had a
17 good chance of reaching in and turning the key off before he could go anywhere. Um, I
18 really thought I could that before he took off. So as I reached in to knock the key out and
19 turn the key off, um, he put it in drive. It was a uh, center console shifter. He put the
20 vehicle in drive and he just mashed the accelerator as he pulled out. And my hand and my
21 left arm, it, it somehow got caught or tangled up in the steering wheel as he's
22 accelerating. Um, at this point I lost my balance and I fell against his car on the left side
23 of my body. Um, was hanging on to the side of his car and I was kinda facing backwards.
24 My body was facing his trunk. As he continued to accelerate, um, my, my arm was still
25 stuck at this point, um, I could not free it. Um, at that point, I was think oh my gosh, I'm
26 getting dragged by this guy's car, I don't wanna die today. I'm in fear of my life. Um, at
27 some point, my hand is still stuck as I'm drawing my weapon out. Thinking this guy's
28 actively trying to kill me right now. I don't want to die today on this street. I don't want
29 to get run over by his vehicle. So I pulled my gun out, and as I'm falling, I'm, I'm kinda
30 below the plane of his, his window. So the only shot I could see that I could take to stop
31 the threat, was a head shot. That's the only part of his body I could really see at that point

1 and had a, a clear visual of. And I was telling him, I told him, I believe twice, to stop the
2 vehicle. Stop. Stop. I just wanted him to stop the car. That was my goal. He still just
3 continued to accelerate and that's when I discharged one round. And I hit him in the head
4 with that round. Um, again, I did that because I was in fear of my life. I was holding on
5 for dear life. I did not want to get sucked underneath his car and run over by the tires.
6 Um, it's difficult to explain.

7 QQ: What happened after you discharged the round?

8 A: Immediately after I discharged, when I discharged the round my hand at that
9 point, I believe was free from the vehicle, but the vehicle was still in motion at that point.
10 He was still accelerating he had his foot mashed the accelerator. I believe I was, I was
11 trying to grab his shirt. I was trying to hold just for dear life because the vehicle, like I
12 said, at that point was in motion. And he was rapidly accelerating. And the way he pulled
13 over, there was a vehicle that was parked on the street in front of his vehicle. So in order
14 for him to pull out to, to go, he had to turn left a little bit to get back on the street. As he
15 turned left, that's when I was getting dragged, um and my hand became free. Uh, I was
16 either trying to grab his shirt or have my hand over the window sill, just trying to hold on
17 for dear life, because I did not wanna get sucked underneath his tires and ran over. And I
18 knew when I initiated the traffic stop also, that there is a guardrail with posts that face the
19 street, and it was on the east side of Rice Street. And I knew if he would have kept
20 driving that way, he could have easily scraped me off the side of his car with one of those
21 posts, and I'd be dead. Um, so I was just hanging on for dear life when I fired the shot.
22 Um, and I hit him in the head. Immediately after that, I somehow became unlodged from
23 the car and my arm came over the door, out of the window, and I fell off the car as he
24 continued to rapidly accelerate down the street. Um, I fell on my back and I, I slid on my
25 back on the pavement for I don't know how long? Um, at that same point, that's when
26 Officer Kidd and Officer Lindenschmidt were pulling around the corner. And I believe
27 they witnessed it and they were running up to me as it happened and I um, I stood back
28 up again and at that point, we heard a, a loud crash. And I believe that he crashed um, a
29 short distance away. So we all ran towards the crash scene on foot. Um, I believe the
30 crash scene was blocked from our view by a bush that was sticking out a little bit. So, as
31 we rounded the corner, um, we could see that he had ran in to um, a wall and had wedged

1 his vehicle between a wall and a telephone pole. At that point, I went up, I advise Officer
2 Kidd um, we all had, we all three of us had um, the car at gunpoint still because we didn't
3 know what he was gonna do at that point or if I had even shot him at that point. Uh, I
4 advised Officer Kidd to cover me and I went around the vehicle which was still
5 screaming at this point. He still had his foot on the accelerator and the engine was, was
6 redlining, it was revving. Um, so I went around the vehicle and I shut the key off. Then I
7 came back around that's when um, they called for other officers. An officer needs
8 assistance went out and everyone else showed up and, and we secured the scene.

9 QQ: I'm gonna take you back. Gonna go back to the beginning, uh, you said he came,
10 you lit him up on Vine Street?

11 A: Yes ma'am.

12 QQ: So it took him from Vine Street as he went all the up Thill and around up to Rice
13 to come to a complete stop?

14 A: When he stopped on Vine Street to turn eastbound on Thill and he had his blinker
15 on, that's when I turned my lights on. And I believe over the radio I advised that I'll be
16 on Thill Street just off of Vine.

17 QQ: Okay.

18 A: And I was hoping, my intentions were to have him pull over right there on Thill,
19 just off of Vine, so we got out of traffic.

20 QQ: Okay. Was there anything else about that car that drew your attention to it besides
21 the no front license plate?

22 A: Um, after I ran the tag, it came back to a female and she was under suspension. I
23 did not see who was driving the vehicle. All I saw that there was one person driving the
24 vehicle and they were wearing like a red and white designed shirt with a hat on.

25 QQ: Okay, so you didn't know if it was a male or female at the time?

26 A: I did not know if it was a male or a female.

27 QQ: Okay. All right. You approached the car, there's a car parked in front of his car
28 when he stopped?

29 A: Yes ma'am.

30 QQ: Could you tell if that vehicle was occupied?

31 A: I believe it was parked. It was silver sedan.

1 QQ: Silver sedan, okay. You approached the car, he refuses to give his Driver's
2 License or ID?

3 A: Yes ma'am.

4 QQ: Okay, do you recall removing a bottle from the vehicle?

5 A: I do yes.

6 QQ: Tell me about that.

7 A: Um, during the process of talking with him um, I looked down on the floorboard
8 and uh, there was a, a green bottle which through my experience, it looked like a bottle of
9 alcohol. Um, he then handed me bottle and I looked at it for a second. I remember it
10 saying Gin on it. So, at that point, I took the bottle and I put it on top of the vehicle, um,
11 because I was just focused on him. I wanted to make sure I was seeing his hands and I
12 was dealing with him. I could deal with the bottle later.

13 QQ: Okay.

14 A: Yes.

15 QQ: At any time before he attempted to leave, put the car in drive, did you uh, have
16 your hand on your weapon at any time during?

17 A: Uh, no ma'am. I believe not.

18 QQ: Okay, so not even when he went in to the glove compartment?

19 A: Um, I think my hand kinda dropped that way, just in the area of my gun, but I do
20 not recall doing anything with my weapon, touching my weapon, or anything like that.

21 QQ: Okay.

22 A: Cuz I could see when he, when he opened the glove box it was just a bunch of
23 papers and he was just reaching for his license plate.

24 QQ: Okay. You're what, what height?

25 A: I'm six-foot-three.

26 QQ: Six-foot-three, so where are you in alignment with his, the driver's side door and
27 the window?

28 A: Um, the way I usually do traffic stops and the way I did it that day, was the same
29 way. Um, since I'm so tall and it was a sedan, um, I have a bladed stance, so I stand with
30 my body kinda facing the vehicle, um, and I had weight on my front left foot and I'm

1 leaning down and leaning in to the vehicle. I'm trying to keep most of my body behind
2 the A-pillar of the front door.

3 QQ: Okay. When you were um, at the car door, and you're in that stance, at any point
4 in that interaction did your uh, duty belt become attached or connected to the front door,
5 did your duty belt get stuck?

6 A: Did it get stuck on the vehicle?

7 QQ: Mm-hm.

8 A: No.

9 QQ: Okay, just wanted to make, see if that occurred.

10 A: It may have touched the vehicle if I leaned in or whatnot, but it never got stuck on
11 the actual vehicle.

12 QQ: Okay. Your intention when you drew your weapon was to do what?

13 A: It was to, to stop the threat. I believed at that point, when I was getting dragged by
14 his vehicle, that he was actively trying to kill me.

15 QQ: Okay, so in your mind, at that time, if you didn't react, you could be killed?

16 A: I would have either been sucked underneath his vehicle and run over and killed or
17 he would have gone along that guardrail and scraped me off the side of his vehicle, and I
18 would have been killed.

19 QQ: Okay.

20 A: Yes.

21 QQ: Did your feet ever leave the ground while you were connected to the car?

22 A: As I was being dragged?

23 QQ: Yes.

24 A: Um, they may have. I'm sure my legs were kicking and flailing but I don't
25 remember exactly. Um, all I remember is just being dragged. I could feel myself, after I
26 lost my balance, I could just feel my body going with his vehicle and picking up
27 momentum and being dragged by his car.

28 Q: Okay, I'm gonna follow-up with that just bit, um, when you're talking about
29 being dragged, so you're saying you actually lost your feet, your footing underneath of
30 you?

31 A: Yes sir.

1 Q: You were not running along with the car trying to, trying to stay up?

2 A: No sir. I was stationary and after he put it in drive and mashed the accelerator, the
3 momentum of his vehicle went forward, made me lose my balance. That's when I got my
4 arm caught somewhere in his steering wheel. I got my arm, my left arm lodged in there.

5 Q: Okay so you lost your balance because the car took off?

6 A: Yes sir.

7 Q: Okay, and can you tell me where your, was it one hand or both, both arms inside
8 the vehicle?

9 A: Um, I believe initially I just reached in with my left hand, um, to try to reach
10 around the steering wheel, through the steering wheel to knock the key out of the
11 ignition.

12 Q: Okay.

13 A: Or at least turn the key off.

14 Q: So the intention of you reaching in was to turn the car off?

15 A: Yes sir.

16 Q: Somehow.

17 A: I thought I had a good chance before he put it in drive to knock the key out and
18 stop the car right there and regain control of him.

19 Q: All right, you're a big guy; you got long arms I'm sure, um

20 A: Yeah.

21 Q: Uh, how far in would you say your arm got your left arm?

22 A: Um, from the actual window?

23 Q: From, from where you would have been outside of the car, yes, from the outside
24 from there.

25 A: How far my arm went inside? I would imagine two-and-a-half to three feet. I
26 reached pretty far in.

27 Q: Can you show me on your arm how far you remember it being?

28 A: If this was, if this end of the table was the window sill, um I leaned in and I
29 reached probably this far.

30 Q: Okay. So you're, you're talking past your elbow?

31 QQ: To where your shirt line is?

1 A: Somewhere around there, yes.

2 Q: Okay, all right.

3 QQ: You said around or through, do you recall if you went through the steering wheel
4 or up and around?

5 A: I think if I recall, the biggest gap through the steering wheel and the most direct
6 route to his keys, was through the top part of the steering wheel. So I believe I stuck my
7 arm through there, um, to try to turn the key off.

8 QQ: Okay. Do you recall if the uh, seatbelt was around your arm also?

9 A: Uh, his seatbelt, the driver's seatbelt? No.

10 QQ: No, okay.

11 A: Not at that point, um, that, that's the point where my arm was stuck inside around
12 his steering wheel somewhere and was lodged in there. As we were driving and after um,
13 I shot him, my arm became um, free and I believe I was grabbing for his shirt or grabbing
14 for his seatbelt just to try to hold on, to not get sucked underneath the vehicle.

15 QQ: Okay. When you um, were being travelled, and then once you uh, fell off and got
16 up, did you see how far you had travelled?

17 A: Um from the initial point of being dragged?

18 QQ: Mm-hm.

19 A: Uh, this is just a guess, but I would say fifteen to maybe twenty feet.

20 QQ: Okay.

21 A: I'm just guessing at that point. All I know is I was being dragged by his vehicle.

22 QQ: At about what speed

23 A: When I

24 QQ: Could you tell?

25 A: When I fell off?

26 QQ: No, when you, when he was dragging you could you tell how fast he was going?

27 A: Honestly he went from a dead stop. Um, he'd mashed the accelerator to the floor,
28 so by the time I fell off, I was probably doing, we were probably travelling at I would
29 guess, fifteen miles an hour.

30 QQ: Okay.

31 A: Somewhere around there.

1 QQ: Did his speed pick up after you fell off the vehicle?

2 A: Yes ma'am. After I fell, I could hear his, his engine revving and the RPM's still
3 climbing. Um, and then even after he crashed, like I said before, his RPM's and his
4 engine was screaming, um after he crashed.

5 QQ: When you drew your weapon and made that decision to stop the threat, could you
6 feel the backstop of your pistol against him? Did you know that you, I know you said the
7 head was your only shot area, could you feel your pistol against his head?

8 A: Did I feel the muzzle against his head?

9 QQ: Mm-hm.

10 A: No.

11 QQ: No. Okay, you just knew that you were putting it in that direction?

12 A: Yes ma'am. I reached up um, just towards him. I don't recall making contact with
13 his head or any contact shots or anything. I just remember reaching up as far as I could
14 and just discharging one round towards his head.

15 QQ: Okay. Was there anything that he did that made you think that you hit him?

16 A: Um, before I fell off yes. He, immediately after I discharged the round he, his
17 head just flung to the right, sideways. Um, and then after I fell off um, and then after I
18 fell off and I was on the ground and we got up and I heard his engine revving and still
19 going and travelling, I thought at that point I either wounded him or I missed him
20 completely. Um, as he was still travelling and then we heard the crash.

21 QQ: Okay. Any questions right now?

22 Q: I will in just a minute.

23 QQ: Have you had to draw your weapon before?

24 A: In the line of duty?

25 QQ: Yeah.

26 A: Yes, I've drawn my weapon.

27 QQ: Okay. In uh, Greenhills?

28 A: Yes.

29 QQ: Or UC?

30 A: Both.

31 QQ: Both. Okay. Have you ever had to use it prior to this incident?

1 A: Yes.

2 QQ: Okay.

3 A: But not at a person, just at a dog that was charging me in Greenhills.

4 QQ: Okay. How is that dog?

5 A: I missed.

6 QQ: Okay.

7 Q: At what point in this stop did you become, and we've all been on the street, I did
8 fourteen years on the street, she did a, quite a while on the street, at what point did you
9 become did your, did your cop sense kick in and, and realized this, this was gonna be an
10 issue? On this stop that he was cooperating with you and you did not know where this
11 was going? not

12 A: Um, just after several times of asking for his license um, he just kept digging
13 around, he, he wouldn't directly answer my questions. He would just kinda beat around
14 the bush. He'd say well yes I have a license, but no I don't have it on me. Oh I live down
15 the street here. Oh, um, he'd make eye contact with me for a second and then he'd look
16 away and then he'd look down and just keep going through his pockets. And the motion
17 he was making was like okay, he's going for his license, but then he'd just. And then he
18 asked again I believe, what's the reason you stopped me? And I again your front tag on
19 your vehicle. Um, just the way he was acting, it just, it made the hairs on my, on the back
20 of my neck just stand up and I was like something's not right here.

21 Q: Mm-hm.

22 A: Um, just something, something doesn't feel right.

23 Q: When he went in to the glove box, you said he had un, unlocked that with the
24 key?

25 A: Yes.

26 Q: So he, he took, he turned his car off?

27 A: He turned the car off, yes.

28 Q: Did he do that prior to going to the glove box or when you pulled him over did he
29 turn the car off?

30 A: Uh, I believe when I walked up the car was still idling and he had put it in park.

1 Q: Okay. So he went and turned the car off, in your opinion, to get the key out for the
2 glove box to show you the front plate?

3 A: Yes.

4 Q: All right, um, at no point up until that time, and I know she covered this but I
5 wanna, I wanna go over it again with you, um, at no point did your hand go to your
6 weapon at that point when he was going to the glove box?

7 A: It, it went towards my weapon. It just kinda dropped near my hip. I did not touch
8 my weapon, I did not unholster weapon, I did not manipulate the holster at all. It just
9 went in the area of my weapon.

10 Q: Okay. What did he do with the keys from the time he un, unlocked the glove box
11 until he put them back them back in the ignition to start it back up?

12 A: Um, when he took the key back out of the glove box, I believe he had moved it to
13 his left hand, was I was still asking him for his Driver's License. Um, he then put it back
14 in his right hand and just stuck it in to the ignition without turning the key at all.

15 Q: Okay, so he just put it back in but did, did not turn it on?

16 A: Correct.

17 Q: Okay, at what point did he turn it on?

18 A: Uh, when I advised him that he was being detained and that um, I asked him to
19 take off his seatbelt. Then that's when he reached up with his right hand and he turned the
20 ignition on and started the vehicle.

21 Q: Okay, um, at what point did he go to put it in gear? I know you said the shifter
22 was in between the seats.

23 A: Immediately. The second he turned the vehicle on his hand dropped down and he
24 slammed it into drive.

25 Q: Okay. All right. Um, as soon as he slammed it into drive, think back to that point,
26 what was your reaction to that?

27 A: At that point my hand was inside the vehicle, um

28 Q: So was your hand inside the vehicle prior to him putting it in to drive?

29 A: It

1 Q: I guess what I'm asking, what I'm trying to get at, he, he makes the motion, puts
2 the key back into uh, the ignition and turns the ignition. At what point did you make that
3 decision to try to reach in and grab it?

4 A: Immediately at that point.

5 Q: At that point when he turned it on?

6 A: The, right at the point when he reached up and turned the vehicle on. That's when
7 I immediately reached in with my left hand thinking um, that I had a really good chance
8 of knocking the key out of the ignition, stopping the car right there. Um, but he
9 immediately after he turned it on, he slammed it in drive.

10 Q: So that was your

11 A: Simultaneously.

12 Q: That was your thought process? That you could either get the key out of the
13 ignition or keep him from turning it on?

14 A: Yes. Since I was

15 Q: Or to turn it back off?

16 A: I was so close to his vehicle, I was already leaning, you know, over his window, I
17 thought real quick I could just grab the key and take it out.

18 Q: Okay, was your head ever inside the vehicle?

19 A: Um, when I leaned my left arm in, my head may have crossed the plane of the
20 window.

21 Q: Okay.

22 A: Briefly.

23 Q: Did, was he ever aggressive towards you?

24 A: The only point he became aggressive was um, when I reached for his car door
25 handle and advised him that he was being detained and to take off his seatbelt. That's
26 when he reached with his left hand and yanked the car door back shut.

27 Q: Okay, but that, that was not aggression towards you, that was just a, an act of
28 defiance really, correct?

29 A: Um.

30 Q: Like he wasn't coming out.

31 A: It was an act of defiance.

1 Q: I mean is that, just tell me what you thought of that motion?

2 A: Um, I thought it was aggressive towards me a little bit because he grabbed the
3 door immediately and said no and pulled it back shut.

4 Q: Okay.

5 A: And forced my hand back, you know, to where the door is closed again.

6 Q: Okay.

7 A: Um, and then at that point it escalated.

8 Q: Okay. When did, when did you view your body cam video?

9 A: Uh, this morning with my lawyer.

10 Q: With, with your lawyer in his presence?

11 A: Yes sir.

12 Q: Okay, where was that at?

13 A: It was at his office.

14 Q: Okay. You watched the whole thing?

15 A: Yes sir.

16 Q: From start to finish?

17 A: Yes sir.

18 QQ: Was it on a disc or from a cell phone?

19 A: Uh...Flash drive.

20 QQ: Okay.

21 Q: Flash Drive?

22 A: Mm-hm.

23 QQ: Okay. I was just curious because I guess there's an app where you can um, label
24 the video and you can watch it from a, from the app.

25 A: Yes. I don't have that app on my phone.

26 QQ: Okay. All right.

27 Q: Well you wanna take a break for a few minutes?

28 QQ: Yes.

29 Q: Time is 1425 hours, we're gonna take a quick break.

30 QQ: All right, we're gonna go back on, okay?

31 A: Okay.

1 QQ: The current time is 2:32. You responded to the hospital once uh, Cincinnati Fire
2 Department got there, is that correct?

3 A: Yes ma'am.

4 QQ: They transported you?

5 A: Uh, a City Sergeant actually transported me.

6 QQ: Okay. Um, why did you go to the hospital?

7 A: Um, my left arm felt tingly from being stuck inside the vehicle. Um, from here
8 down you can still see the bruises right here. Uh, from my elbow down, it was tingling.
9 Um, and it just, it felt like I pulled something and it just hurt. Uh, my left knee hurt also
10 and my lower back hurt. And all of these three things continued to escalate as my
11 adrenaline wore off.

12 QQ: Mm-hm.

13 A: My left arm just hurt more and more.

14 QQ: Okay. What about your wrist? I'm asking you that because in your, your body
15 camera footage shows you shaking your arm, so

16 A: Yeah I just

17 QQ: Did your wrist bother you?

18 A: From the elbow down, just all the way to my hand, it just felt tingly. It just felt
19 like I pulled a tendon in my arm. That's why I was shaking my hand, to see if my tendons
20 still worked and everything. Because I just felt like I pulled something from my body
21 weight, you know being pulled by my arm.

22 QQ: Okay. What was the diagnosis?

23 A: Um

24 QQ: If any?

25 A: Bruising on the underside of my left arm. Um, a minor contusion to the left side
26 of my knee, minor bruising. And then a sore lower back near my gun belt.

27 QQ: Okay. Did you do any follow-up with the physicians?

28 A: No ma'am.

29 QQ: Okay. We're gonna show you a couple pictures, if you could show me on this
30 picture where you, where you believe you put your arm in, in order to turn off the
31 ignition.

1 A: I believe with my left hand um, that I reached through or near the top part of this
2 steering wheel, the open part. I believe from my angle that's where I could see the key in
3 the ignition from.

4 QQ: Okay.

5 A: And that was the most direct route to it.

6 QQ: Go ahead and put an X on it and put your initials next to it. Hopefully it will go
7 through, it should show up.

8 A: You want me to put it above that?

9 QQ: Yeah just put your initials right there. And your, make sure I can see it, yeah I see
10 the X. Okay. We had this picture too, but and this is just before the uh, open part is down
11 here now. But at the time when you put your arm through, the wider opening was
12 upright?

13 A: Okay.

14 QQ: Was that, is that accurate?

15 A: Correct. Yes.

16 QQ: Okay. So was your arm twisted while you were holding on, do you recall?

17 A: I don't recall exactly. All I know is it was just stuck inside his vehicle and I could
18 not dislodge it and get free.

19 QQ: Okay.

20 Q: That's good.

21 QQ: Anything else? I don't think we have any other questions for you. Is there
22 anything we didn't ask you about that you believe are pertinent or we should know
23 about? Any other details?

24 A: Um

25 QQ: Let me ask you this, did, did he smell like he had been drinking? Or was there an
26 odor of alcohol and or drugs about himself in the car?

27 A: I did not detect either alcohol or drugs, no.

28 QQ: Okay. All right.

29 A: Is there anything else you recommend?

30 QQ: All right well we'll conclude this interview. The current time is 1435 hours.

31 A: Thank you.

1 QQ: The um, our uniform was processed by our Criminalists

2 Q: Let's go back on, back on the clock.

3 QQ: So we're gonna go back on as far as your interview. The current time is uh, 1439
4 hours. We took all of your equipment, not we, but the police department, uh Sergeant, the
5 Sergeant that drove you to the hospital. He took your uniform?

6 A: Yes ma'am.

7 QQ: Your gun belt and your work boots?

8 A: Yes and my external vest carrier.

9 QQ: Okay. Are these your boots?

10 A: Yes.

11 QQ: So all these pictures are indicating, they are all the same?

12 A: Yes.

13 QQ: What size do you wear being six-foot-four?

14 A: Uh, the boots I believe are fourteens, maybe thirteens.

15 QQ: There is some damage on your boots, was that damage there prior to the incident
16 or is this new damage from the incident?

17 A: Uh, the damage you're referring to being the rips?

18 QQ: Mm-hm.

19 A: Upper part?

20 QQ: Yes

21 A: That was there before the incident.

22 QQ: Okay. So this is not new damage and it did not occur during the uh, the drag?

23 A: Correct. Correct.

24 QQ: Okay. All right, I think that's all I have. And we'll conclude again at uh, 1440
25 hours.

26 QQ: We're gonna start this interview again.

27 A: Okay.

28 QQ: The current time is 1445 hours. There's an abrasion on your elbow, do you see
29 that? Is that old or new, not elbow, inner arm

30 Q: Right over here. Looks like

31 A: That's old.

1 QQ: That was old, okay.

2 A: Yes ma'am.

3 QQ: All right, so more pictures. This seems to be a picture of your gun belt, with the
4 handcuff keys and a glove pouch. Is this damage new?

5 A: This damage is all old.

6 QQ: This old?

7 A: This is all previous um

8 QQ: Over at, what about the end right here of your uh, flashlight holder? See where the
9 um, leather is kinda worn to the brown area?

10 A: I believe that was old.

11 QQ: Now look at that button on your glove pouch.

12 A: That is new.

13 QQ: Okay, so right here uh, draw arrows to where the damage is and put old, new, old
14 and then put your initials by it.

15 A: To all the damage?

16 QQ: Yeah.

17 A: Everywhere?

18 QQ: Mm-hm. All right, uh, this one.

19 Q: Do the same thing under that arrow, new, new damage or

20 QQ: Or, or if it's old.

21 Q: Old.

22 QQ: Um, just put an arrow to here for this uh, corner damage

23 A: Okay.

24 QQ: Around the uh lid.

25 A: And the same for the flashlight holder?

26 QQ: Yeah, so right here on the flashlight holder, this end appears to be damaged.

27 A: Okay.

28 QQ: These are the same pictures, just up close. All right, this is the holster, and the
29 holster has some scrapes or indentations into the uh, the molding

30 A: Okay. That's new.

31 QQ: That is new? All right, just draw an arrow and your initials.

1 A: Yeah this shows it better.

2 QQ: This does show it a little bit better but

3 A: You want me to mark on here or

4 QQ: No you don't have to.

5 A: Okay.

6 QQ: It's the same damage. Um, make sure you make another arrow to that section.

7 This is just a uh, measurement. There is a uh, line your vest carrier, here is a more up

8 close photo of it, so was that on there?

9 A: That is new.

10 QQ: Is that new?

11 A: Want me to mark it no this one?

12 QQ: Yeah. Did you see how the uh, stitching when it's up close, is messed, messed
13 up?

14 A: That's new.

15 QQ: That is new? Here you can see it on this one, you can mark that. And then this uh,
16 dirt pattern is that just wear and tear?

17 A: This down here? Is this dirt?

18 QQ: Yeah is that dirt, like um

19 A: Um, that's new.

20 QQ: Okay. Then um, put an arrow to that and an arrow to that line.

21 A: You want me to mark this as well here?

22 QQ: Yeah put an arrow to that line. It's okay, that way it's all on the same photo.

23 These are your uniform pants, this shows it a little bit better, but you see this mark right
24 here?

25 A: That's new.

26 QQ: All right. And then there's also a tear in the pocket. I don't know if you can tell?

27 A: Yeah.

28 QQ: There appears to be a minor tear right there.

29 A: That's new. And then along with the uh, stitching right here.

30 QQ: Okay.

31 A: That stitch, that's new as well.

1 QQ: Okay.

2 A: Okay.

3 QQ: All right, put the date on all of the pictures that you made marks on up in the
4 corner.

5 A: Put today's date or the date of the incident?

6 QQ: Uh today's date, the date that you identified it as being new damage or old
7 damage.

8 A: Also I, I noticed um, on the other handcuff case, that's new damage as well.

9 QQ: All right, let me find that.

10 A: That scuff mark.

11 QQ: Oh, I'm so sorry, I didn't realize that. Thank you.

12 A: Sorry, you said today's date?

13 Q: Yes.

14 QQ: Yeah, today's date.

15 A: And today is the 21st?

16 Q: Yes.

17 QQ: Mm-hm. All right, yes. You do have two handcuff cases. Uh, you see how there's
18 two areas?

19 A: Yeah, that's what I was looking at.

20 QQ: Are they both new?

21 A: They are both new.

22 QQ: Okay.

23 A: And then can I mark these scrapes down here as well? These are new.

24 QQ: Mm-hm. How fast do you think you were travelling though with momentum
25 when you uh, were going to the ground, your body travelling?

26 A: I'm just guessing but, maybe fifteen miles an hour.

27 QQ: Okay. Will you um, do me a favor and make your fours look like, make your
28 sevens look like sevens and not fours for me?

29 A: Uh, okay.

30 QQ: Only because here you made it look like a seven.

31 A: I'm sorry, I don't know why I'm writing four.

1 QQ: That's okay.

2 A: Is that okay to just do that?

3 QQ: Yeah, that's fine. Does Colerain teach you guys how to write

4 A: Pretty much

5 QQ: French-style sevens?

6 A: Yep. Probably writing with the wrong hand too.

7 Q: What are they trying to teach ya there? Don't feel bad I was from Mt. Healthy.

8 A: Okay.

9 Q: Not all of us can go to Elder.

10 Atty: Is Lindenschmidt from Colerain too?

11 A: Uh, I do not believe so. Do you want me to initial this one too?

12 QQ: Uh, no that was just a full-size photo.

13 A: Okay.

14 QQ: I don't believe there is anything on your legs. They, they didn't do a front picture.

15 Hmm. Do you recall if the front of your pants was damaged?

16 A: I don't believe so.

17 QQ: Okay. While they are taking pictures of you, I'm gonna just make that they didn't

18 take a frontal view of those, uh, pants. Just to see if there was any damage to the front.

19 A: Okay.

20 Q: We won't go off right here at this time, we'll just leave it running.

21 A: Okay.

22 QQ: You gonna stay in here then?

23 Q: Yeah we'll just, while they're taking pictures and give you a chance to go see.

24 Make sure you point out anything when he comes in fort the pictures, that is damage

25 from that night to your body. Any injuries, bruising, scratches, scrapes, anything.

26 A: Okay.

27 Atty: So who is claiming Charlie Rubenstein's role these days?

28 Q: Uh.

29 Atty: Is it Heidi or someone else?

30 Q: Who is doing that? Um

31 Atty: I know, I think Heidi's in the position but I know Charlie was extremely involved.

1 Q: Yeah, you know what? Being in this unit we rarely ever go down to the Municipal
2 Court.

3 Atty: Mm-hm.

4 Q: So we deal with Mark all the time.

5 Atty: Right.

6 Q: I'm out of touch. I knew that Charlie lost his position, um, and I knew he retired,
7 but yeah we used to have Charlie all the time for in-service training. That's really, really
8 where I would see him at.

9 Atty: Mm-hm.

10 Q: Um, we just don't deal that much with the division because it's all misdemeanor.

11 Atty: Yeah.

12 Q: Yeah, so yeah it's like starting over when I go down there. I mean, I had to go
13 down there for a detail arrest

14 Atty: Mm-hm.

15 Q: And it brought back bad memories of sitting there doing nothing.

16 Atty: All day.

17 Q: Yeah

18 Atty: And then getting released.

19 Q: Yeah, you know Jennifer Bishop?

20 Atty: Mm-hm.

21 Q: God. And I was in her room I thought, I can't do this anymore. I can't sit here
22 like this.

23 Atty: Sit down and shut up.

24 Q: Sit down and shut up. I'll get to you when I get to you. I thought I can't do this
25 anymore. I did this for fourteen years.

26 Atty: Time for a room change. She like, she probably looks the same as she did then.

27 Q: She does. There's nothing different about her.

28 Atty: Yeah.

29 Q: She still wears the gym shoes.

30 Atty: Mm-hm.

31 Q: You know there's not one thing

1 Atty: Suits

2 Q: I don't even think she looks much older.

3 Atty: No, she doesn't. She doesn't age.

4 A: I know who you're talking about. We used to sit with prosecutors to.

5 Q: How could you not, not know her, if she's told you to sit down and shut up
6 before? I mean when I was

7 Atty: She's equal opportunity.

8 Q: Yeah, when I was on a couple years, I took it, but it's hard to take now.

9 Atty: Yeah.

10 Q: I thought this is a detail arrest, and I don't even remember guy anyhow, I booked.
11 I thought you ain't got, I got better things to do than sit her until you decide you want to
12 get to me.

13 Atty: Mm-hm. Do you know about if and when they are releasing video now that?

14 Q: I do not know that. I'm not even sure what the, what the process is for that. If it's
15 gonna be up to UC, or who is gonna release it?

16 Atty: UC said it was you guys.

17 Q: Oh, well.

18 Atty: So you may be stuck with it.

19 QQ: Stuck with what?

20 Atty: Deciding on when to release the video.

21 QQ: Oh. This is the front of your uniform pants. Do you see anything that stands out
22 that is uh, new damage or any damage?

23 A: No.

24 QQ: Okay.

25 A: Not that I can tell.

26 QQ: You can look at that one.

27 A: No, not that I can tell.

28 QQ: Okay. All right, let me get the Criminalist in here for the photo. You wanna end
29 the interview?

30 Q: Yeah we can end it.

31 QQ: All right, the current time is 2:58.

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Transcribed by: Carla Ingram
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