

June 21, 2022

To: Det/Lt Shane Criger, Michigan State Police

From: Deputy [REDACTED] Allegan County Sheriff's Office

Re: Allegan County Incident #2022-11169

On Thursday June 16th 2022 I was assigned to Leighton & Dorr Township Contract working 12pm to 3am. I was in a sheriff's department uniform in a fully marked Allegan Sheriff's Department patrol vehicle equipped with overhead lights.

TRAFFIC STOP:

At approximately 10:00pm I was Northbound on 26th Street when I saw a silver Impala that was Southbound on 26th Street and had stopped at 140th Ave which was not a 4 way stop. I then did a U-turn and began following the vehicle Southbound. While following the vehicle I noticed that it was going under the speed limit of 55mph. I also saw the vehicle swerve over the yellow line and then back over the white fog line on the right side of the lane. The vehicle almost came to a stop at the intersection of 26th Street and 136th Ave before continuing South. I then saw the vehicle continue to swerve over the white fog line. Due to the driving I saw, I believed the driver to possibly be under the influence of an intoxicating substance. I then initiated a stop by activating my overhead lights. The vehicle came to a complete stop on 26th Street near 136th Ave.

CONTACT WITH DRIVER:

After calling out the stop, I approached the vehicle on the driver side. There was no other traffic on the roadway. I approached the driver and asked for his license, registration, and proof of insurance. While standing at the window of the vehicle I smelled the odor of marijuana coming from the interior of the vehicle. I also saw the driver's phone on his lap which was on and showing some sort of video. The driver gave me his license right away and immediately stated that his tabs were expired and he was working on getting them updated. I advised the driver that I didn't stop him for his tabs but actually stopped him for his driving. I told the driver that I was following him and saw him swerving all over the road and that I can

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smell the odor of marijuana coming from the vehicle. He stated repeatedly that he didn't do drugs and that he works at FedEx. I advised him that I can smell the odor of marijuana coming from the vehicle and that he wouldn't be the first driver from a package delivery company that I have encountered under the influence. I then asked him to step out of the vehicle so that I could run him through sobriety tests. As he got out of the vehicle I noticed that he was acting agitated and moving quickly. I directed him to go to the front of his car. He then walked out to the front of his vehicle quickly and put out his hands to his side parallel to the ground.

STANDARDIZED FIELD SOBRIETY TESTS:

After getting to the front of the suspect vehicle I told him that he could put his hands down. I then decided to move the test location to the front of my patrol vehicle. I told the driver to stand at the front of my car while I turned off my front lights. The driver continued to act erratically twisting and turning around while standing at the front of my patrol vehicle.

HORIZONTAL GAZE NYSTAGMUS TEST:

I asked the driver if he had any issues with his eyes and he stated [REDACTED] and is supposed to wear his glasses. I allowed the driver to grab his glasses and put them on. He grabbed them from the interior of his car near the center console. He then returned to the front of my vehicle where I instructed him to stand with his feet together with hands to his sides. I then asked if he could see my finger and he confirmed that he could. I instructed him to follow my finger with just his eyes only and not to move his head. He stated that he understood and I began the test. When I started to move my finger to the right he followed with his whole head turning. I told him not to move his head and I tried to start the test again. He followed my finger to the right with just his eyes but when I moved my finger the other direction he followed with his whole head again. I advised him that he was not following the instructions again and that I needed to start over.

USE OF FORCE:

At this point dispatch had requested my status to which I replied that I was still testing SFSTs. The driver heard what I said and became more agitated. He began raising his voice while grabbing his head and asking why I was still testing. He was asking in a raised voice why we were still doing the testing and why it was necessary. He stated repeatedly that he didn't do drugs because he works at FedEx. He was starting to turn in circles with his hands on his head stating [REDACTED]. He then started to back out toward the middle of the roadway. I told him to get out of the road and continue the test. He continued to ask why and I told him that I believed him to be operating under the influence of drugs. I told him that if he didn't do the test then I would make the arrest based on my observations of his driving and the odor of marijuana. He continued to yell that [REDACTED] and doesn't do drugs because he works at FedEx. I tried to calm him down by asking him to let me do the sobriety tests so I can make sure whether he is okay to continue driving. He then started to repeatedly tell me his address which was [REDACTED]. I then looked at his ID and saw his address which was the same one he repeatedly told me. He stated that he was just trying to get home to [REDACTED]. I then asked the driver if he knew where he was and he yelled that he was lost. He then

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started to back out into the road and move toward his driver door. I called for backup on the radio before approaching him and advising him that I would place him under arrest for resisting an officer because he wasn't following my instructions.

The driver then placed his hands on his head and [REDACTED]. He then flopped face down onto the hood of his car. I grabbed his hands and told him he was under arrest. After I grabbed his hands he immediately stood up and moved toward the middle of his car. He then suddenly turned and faced me while I maintained control of his hands. At this point we were face to face. I stated, "Don't do this," before I let go of one of his arms with my left hand so that I could call out over the radio that I was fighting. He heard what I said on the radio at which point he became [REDACTED] and tried to get away from me. I then said "Please, don't do this." He replied, "Don't do what? Shoot me? That's your goal isn't? To shoot and kill me?" I told him that I didn't want to shoot him and to stop fighting me.

He started [REDACTED]. He [REDACTED]. While he [REDACTED] I tried to defend myself by blocking with my left arm and maintaining control of his left wrist. When I was able [REDACTED] He [REDACTED]. When I was able to [REDACTED] After approximately [REDACTED] I was starting to drop to the ground. I believed [REDACTED]. I [REDACTED]. I let go of his left wrist then quickly took my gun out of the holster, pointed it toward him, and pulled the trigger one time then immediately put it back in its holster.

The driver [REDACTED] I called out shot fired on the radio then immediately moved over to the driver and started CPR compressions. I requested an ambulance for a gunshot wound priority 1 while continuing compressions. I saw that the gunshot wound was in the middle of the chest of the driver. I continued compressions until a first responder arrived and took over for me. Another EMT arrived and requested that I grab my AED and medical bag. I went to the back of my patrol car and grabbed my AED and medical bag. I went back to the EMTs and tried to hook the pads to the AED. The connection wasn't working and I noticed a Gun Lake Tribal Officer had arrived on scene. I yelled at him to grab his AED.

One of the EMTs working on the driver told me to step away and get some air. I got up and moved to the back of my patrol car where [REDACTED] and leaned back onto my car. [REDACTED] Deputy Austof walked up to me and I grabbed ahold of his vest to keep myself upright. I was [REDACTED] and holding myself up with his vest. He walked me back to his car and sat me in the driver's seat and turned on the AC and provided me with water.

I then started [REDACTED] There were multiple officers with me telling me to take deep breaths. I was checked out by a paramedic from Wayland EMS who checked my injuries. I had [REDACTED]

[REDACTED]. After composing myself I then was taken to the rear of the patrol car and was photographed. After being photographed I was taken to the Sheriff's office where my gun was taken and an ammo count was done. I was present for the ammo count which confirmed one round was used. My gun was turned over to Michigan State Police for testing and I was issued another duty gun by the Sheriff's Office. I was then transported to Metro Health Hospital where I was treated for my injuries. After being released from the hospital I was placed on administrative leave and sent home.

Signed:

Deputy [REDACTED]

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