



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



2022-2918

Officer Involved Critical Incident - 500 West Hopocan, Barberton, OH
44203

Investigative Activity: Witness Officer Interview
Activity Date: January 5, 2023
Activity Location: BCI Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On January 5, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente and SA Matt Armstrong interviewed Barberton Police Department (BPD) Officer [REDACTED] ([REDACTED]). Officer [REDACTED] was accompanied by his attorney, Brian Holb of the Ohio Patrolman's Benevolent Association. The interview took place at the BCI Richfield office and was audio and video recorded. The audio recording has been attached to this report. The video recording has been stored in the BCI SIU case file as Reference Item F.

Prior to beginning the interview, Officer [REDACTED] read, indicated he understood, and signed the BCI Criminal Investigation Notification Form. That form has been attached to this report.

Officer [REDACTED] was identified as a BPD officer who witnessed and/or had some level of involvement in the December 26, 2022, officer-involved shooting which occurred at 500 West Hopocan Avenue, Barberton, OH 44203. Officer [REDACTED] did not discharge a firearm during the course of the incident. The purpose of the interview was to obtain all relevant information of the incident known or observed by Officer [REDACTED]

This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all of the questions and answers from the interview. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview. It may not be reflective of the actual sequencing of questions. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information obtained during the interview. Time references provided throughout this report correspond to the video recording of the interview.

Throughout the interview, Officer [REDACTED] provided the following information:

Officer [REDACTED] has been a police officer with the BPD for approximately seven years. He had no other law enforcement experience. On December 26, 2022, he was wearing the standard Barberton Police uniform with an external ballistic vest carrier over his shirt. He also wore a black BPD police jacket with BPD police patches on each shoulder. He believed he was well

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represented as a police officer. Officer [REDACTED] was equipped with a body camera which was utilized during the incident.

Officer [REDACTED] drove marked BPD police cruiser # [REDACTED] during the incident. It was marked with "Barberton Police" on both doors and included an emergency lightbar. Officer [REDACTED]'s radio call sign was "[REDACTED]" Officer [REDACTED] was not wearing corrective lenses during the incident and was not under the influence of any substances that would impair his memory or judgement during the incident. He had no prior knowledge of the subject involved in the shooting and did not recall any prior encounters with the subject.

Officer [REDACTED] was working in the North East beat, when he was dispatched to call of a male trying to take a female's keys. The dispatch didn't seem right to him, so he used his emergency lights and siren intermittently while responding.

When Officer [REDACTED] arrived at the YMCA, he pulled in the parking lot from Hopocan Avenue and parked near the front entrance. A male was outside salting the sidewalk; and as Officer [REDACTED] exited his cruiser, the male pointed to the front door of the YMCA.

As Officer [REDACTED] entered the YMCA, he observed a female inside the front entrance. The female was visibly upset, shaking and crying. She provided a brief explanation of what happened. When Officer [REDACTED] asked what the male looked like, she pointed to the area of 2nd Street NW and W. Lake Avenue and said, "There he is," (5 minutes 15 seconds). Officer [REDACTED] asked the female to stay at the YMCA because he needed more information but told her he wanted to go speak with the male.

As Officer [REDACTED] drove out of the YMCA parking lot, he could see the male "kind of like jogging" west through a parking lot. The lot was located on the southwest corner of 2nd Street NW and W. Lake Avenue. There were no vehicles in the lot besides a white pick-up truck. While Officer [REDACTED] drove toward the subject, the subject squatted down in front of the white truck and was looking around as if he was hiding. Officer [REDACTED] did not believe the subject could see him and found the subject's behavior confusing.

The subject then got up and began walking away. At that time, Officer [REDACTED] exited his cruiser and told the subject, "Hey come here. You're not in trouble. I just need to talk to you," (6 minutes and 5 second). The subject started jogging away from him and Officer [REDACTED] followed. Officer [REDACTED] told the subject to stop again and the subject continued jogging quicker. Officer [REDACTED] radioed that the subject was starting to run from him. When the subject reached the alley,

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Officer [REDACTED] was behind the subject, facing the subject's back. Officer [REDACTED] said, a third time, "Stop! I need to talk to you," (6 minutes and 25 seconds). The subject turned around, and as he did so, Officer [REDACTED] could see the blade of a knife in the subject's right hand. Officer [REDACTED] explained it freaked him out. He took a step back away from the subject, drew his firearm and said, "Drop the knife," (6 minutes and 40 seconds). Officer [REDACTED] then radioed the subject had a knife.

The subject made his way east through the parking lot, while Officer [REDACTED] continued ordering the subject to drop the knife. Officer [REDACTED] told the subject he did not want to shoot him and gave him more stern commands to drop the knife. Officer [REDACTED] arrived, while they moved east through the parking lot. He was on Officer [REDACTED]'s left side and parallel to him. The subject then started lunging toward them and then backing up. After doing that a few times, it got to the point where it was getting aggressive. As the subject started moving directly toward them, Officer [REDACTED] took cover behind the white truck.

Officer [REDACTED] remembered there were people in the background which were in his line of fire; and because of that, he did not have a clear shot. Then the subject started charging toward Officer [REDACTED]. As Officer [REDACTED] was squeezing his trigger, he heard "boom" and immediately thought they had just shot the guy.

Officer [REDACTED] explained Officer [REDACTED] originally had his taser out and he did not know Officer [REDACTED] had transitioned to his firearm. After the subject was shot, the subject stood there frozen and dazed. After approximately a minute, the subject collapsed to the ground and was still clinching the knife. Officer [REDACTED] gave additional commands for the subject to drop the knife. Eventually, the subject opened his hand and Officer [REDACTED] walked up to the subject and kicked the knife away. The subject was still actively showing aggression, so Officer [REDACTED] got on top of the subject and pinned his arms down with his knees. The subject continued to actively resist, so they handcuffed him.

They cut the subject's backpack off and some of his clothing and located a wound on his stomach and on his back. The fire department then arrived and transported the subject from the scene.

During the incident, it was sunny outside but the parking lot was snow covered. When the subject was lunging toward them, he was within 10 to 12 feet of the officers. Officer [REDACTED] said he was fearful when the subject was coming at him with the knife in his hand. Officer [REDACTED] explained he had been on hundreds of calls where a subject had a knife, and when an officer

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displayed his firearm, the subject complied and dropped the knife. When this subject did not drop the knife, Officer [REDACTED] thought he was going to get stabbed, and it was going to end badly for him or Officer [REDACTED]. Officer [REDACTED] reiterated the only reason he had not discharged his firearm was because of the people in the background.

Officer [REDACTED] believed his actions were consistent with his training. He had spoken with the command staff of his department after the incident but no one had asked him to lie or tried to influence his statement.

Officer [REDACTED] had not watched any video footage of the incident before being interviewed. Prior to the conclusion of the interview, Officer [REDACTED] was offered to review his body-worn camera video footage. He and his attorney reviewed the video and afterward indicated they did not wish to add any additional information to Officer [REDACTED]'s statement.

Reference Items:

Item F – Thumb drive containing video recorded interview of Officer [REDACTED]

Attachments:

2023-1-5: [REDACTED] Criminal Investigation Notification - Signed Form

2023-01-05 Interview - Officer [REDACTED]



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

1-5-23 13:04
Date / Time

Signature of interviewee

Nick VALENTE
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)