



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



2022-1356

Officer-Involved Critical Incident - 1659 S. Main Street, Akron, Ohio
 44301

Investigative Activity: APD Officer [REDACTED] Interview

Activity Date: July 11, 2022

Authoring Agent: Special Agent Cory Momchilov #64

Narrative:

On Monday, July 11, 2022, at 1249 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Chuck Moran (Moran) interviewed Akron Police Department (APD) Officer [REDACTED] ([REDACTED]), who was accompanied by his attorney, John Greven, from the Fraternal Order of Police. The interview took place at the law offices of Malarcik, Pierce, Munyer, & Will. Fraternal Order of Police Akron Lodge #7 President Clay Cozart was also present during the interview. The interview was audio and video recorded.

Officer [REDACTED] read, understood and signed the BCI Criminal Investigation Notification form. 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 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 and 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 from the interview.

Preliminary and Demographic Information:

Name: Officer [REDACTED]	Rank: Officer (Ofc.)
Badge Number: [REDACTED]	Cruiser/Vehicle Number: Car [REDACTED]
Radio Call Sign: Car [REDACTED]	Immediate Supervisor: Sergeant Todd Sinsley
Radio Channel Utilized: Channel 2 initially, channels were patched once pursuit began	Mobile Data Terminal: Present; Not Utilized by Officer [REDACTED]
Cruiser Description: Ford Explorer with APD markings	Occupants of Cruiser and Seating Positions: 2-Officer [REDACTED] driving, Officer [REDACTED] passenger
Assignment: Patrol-District 10, Car 20	Normal Shift: 1900-0330 hours
In-Car Camera: Not Present	Spotlight: Present & Utilized
Emergency Lights: Present & Utilized	Siren: Present & Utilized
Shift Day of Incident: 1900-0330 hours	Duty Status: On-Duty
Days Off: Weeks consist of 4 days working,	Prior Overtime or Extra Details within

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2days off, rotate days off every week. Officer [REDACTED] was working day 4 of 4.	Preceding 48 Hours: No
Hours of Sleep Prior to Incident: 8 hours	Consider Self Well Rested? Yes
Total Length as Officer: 5 years total-Prior police officer in southern Georgia	Length at Current Agency: 2.5 years
Physical Disabilities (to include hearing aid): No	Corrective Lenses: No Corrective Lenses
Uniform Worn: Standard Akron Police Department blue uniform, APD patches on both arms, with "POLICE" on front and back of vest	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Pistol, flashlight, glove pouch, Taser, handcuffs, spare magazines, radio, baton and body-worn camera
Ballistic Vest: External Armor	Body Worn Camera: Present & Used
Other Recording Devices: No	Partner: Officer [REDACTED]
Injuries: No	Equipment Damage: No
Training or Areas of Specialty: CIT Certified	OPOTC Certification: Akron Police Department Academy-2020
Military Experience/Training: United States Air Force-Security Forces	Use-of-Force Training: Policy Training with in last 12 months
Prior Shooting Incidents: No	Prior Discipline or Use-of-Force Complaints: No
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: No	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: No
	Last Consumed Alcohol Prior to Incident: Did not recall but stated he doesn't drink often

Officer's Firearm(s):

Weapon #1

Make: Glock	Model: 17
Caliber/Gauge: 9 mm	Serial: [REDACTED]
Type: Semi-Auto Handgun	Method of Carry: 1 round in chamber
Magazine Capacity: 17	Total Rounds as Carried (including chamber): 52 = 1 round in chamber, 17 rounds in each of 3 magazines
Extra Magazines: 2 extra-1 in pistol = 3 total	Number of Rounds in Extra Magazines: 17

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	rounds each in 2 extra magazines = 34
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 34	Number of Rounds Fired: Officer █████ stated he fired 18 shots - 18 rounds are missing, if Officer █████'s magazines were completely full and had a round in the chamber
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: Within last 12 months	Type of Holster, if any: Blackhawk-Department issued

SA Momchilov asked Officer █████ if he could discuss the incident. Officer █████ agreed and stated that he was working Car █████ with his partner, Officer █████. Officer █████ explained that he and Officer █████ were in the general area of Main Street by Aldi's, near the intersection of Victory Street and Long Street. Officer █████ advised that he heard Car █████ (Officer █████ and Officer █████) initiate a traffic stop. Officer █████ then advised he heard them (Car █████ broadcast Signal 5 (emergency radio traffic only) and then "he's taken off, make it a chase." Officer █████ explained, at this point, he and Officer █████ decided, because they were so far away from Car █████ to head toward Main Street to see if the pursuit would come their way. Officer █████ advised, as they were heading toward Main Street, he heard, "21, shots fired, He's shooting from the door." (Signal 21 is officer needs help.) Officer █████ explained when he heard that radio traffic, "All bets are off, I'm going, I'm going to go help, I'm gonna go help my fellow officers."

Officer █████ stated he remembered getting on 76 East when he heard radio traffic that the pursuit was on Route 8 south. Officer █████ advised, at that point he knew that there was only one way for them to go and that was to hit 77 South. Officer █████ then took 76 East to the 77 South exit. When Officer █████ exited the highway to get onto 77 South, he looked out the driver-side door, over the concrete barriers, and observed emergency lights behind him and then the "suspect vehicle coming from the highway." At this time, Officer █████ advised he heard Officer █████ state over the radio, "There are two cruisers in front of us, use caution, he shot at us." Officer █████ advised he believed Officer █████ was warning other officers to be careful. Officer █████ advised that he noticed that they [Car █████ was "kind far back."

Officer █████ explained that once the vehicle (fleeing vehicle) passed them, he looked at Officer █████ and they both agreed that they would take over the pursuit as the lead vehicle. Officer █████ stated that he handed the car radio over to Officer █████. Officer █████ then notified

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their supervisors that they were now the primary vehicle in the pursuit and then began transmitting directions, speeds and traffic conditions.

Officer [REDACTED] advised that he recalled exiting the highway as they were pursuing the vehicle but does not remember which exit. Officer [REDACTED] explained that he and Officer [REDACTED] continued to follow the vehicle as primary, chasing the vehicle on side roads. Officer [REDACTED] stated he could not remember which side roads they travelled on during the pursuit.

Officer [REDACTED] advised, when they traveled onto Wilbeth Road, he observed other police vehicles sitting stationary at Wilbeth Road and Main Street. According to Officer [REDACTED] it was at this point that the vehicle they were pursuing started to slow down and then pull off to the side of the road. Officer [REDACTED] stated, "I saw the driver's door open. I put my car in park behind his car. I got out, I did draw my firearm. Um, I gave verbal commands for him to stop moving and show me his hands. When he got out of the driver's side door, him and I locked eyes, and he immediately went back into, into the driver's side door into the car. Um, I could see him reaching around. I was trying to get a better position, uh, to see what he was doing. I couldn't see inside the car, I don't know what he was doing, I don't know what he was reaching for. Um, the car was still moving. I remember there was trees on the side of the road. Uh, at that point in time, I saw the passenger side door open, and I went around behind his vehicle to the passenger side door. I saw him get out of the car. I saw that he was, he was wearing a ski mask. Um, then he started running away from us. Um, when he was running away from us, his back was to me. I was chasing after him. I put my firearm back in my holster. I drew my taser, and I thought to myself, you know, based on my, all my training with my taser, the back is the perfect, is the primary target to achieve NMI or neuromuscular incapacitation. I thought that if I can end this foot chase with deploying my taser, I was gonna do it, so I deployed my taser and with, it didn't have any effect. He continued to run. At that point in time, I remember, when he reached the concrete pad, and I saw him turn towards us, slow down running, turn towards us, and if you don't mind, I would like to be able to show you what he, what he did."

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Officer [REDACTED] then demonstrated the motion he stated the individual performed.



Officer [REDACTED] stated, "He's going back like, this and I saw him go like this."



Officer [REDACTED] continued, "Then another time."

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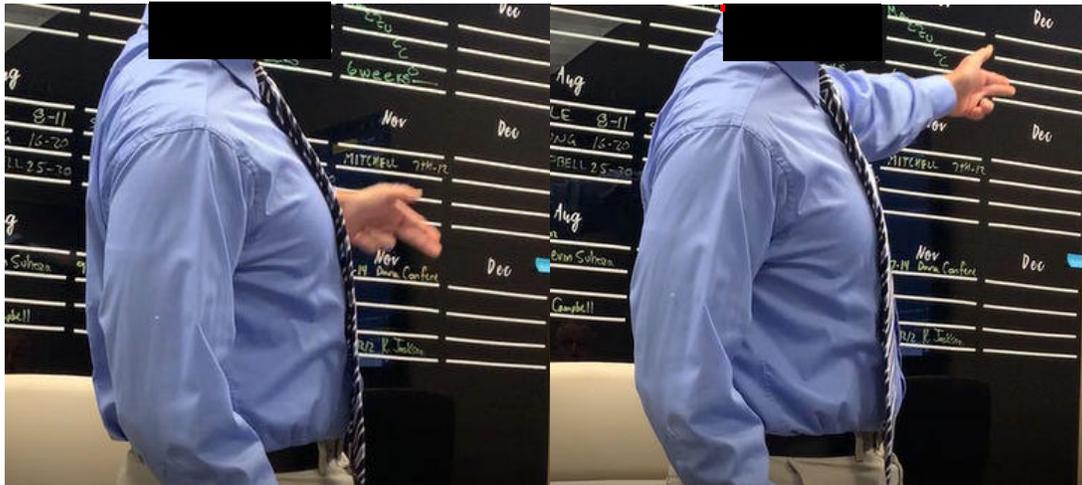


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Officer [REDACTED] continued, “and then go like this.”

Officer [REDACTED] continued, “And then, at that point in time, I threw my taser on the ground, I drew my firearm, and I fired. When, uh, I saw him roll towards the ground, I continued to fire, and when he was on the ground, I still saw his hands, um, reaching around. I didn't know where the gun was. I didn't know, uh, what he was reaching for, but when he did go like this the second time, I heard a, I heard a pop, and I thought that he fired his gun. I thought he fired his gun at the officers, and I was afraid that he shot one of my fellow officers, and I was afraid that he was gonna shoot me. Um, when I stopped firing, I ejected my magazine. I reloaded. Um, after I reloaded, I still saw his hand moving, so I con, I still gave him verbal commands for him to stop moving, and I remember walking up, we all got on line. I remember walking up to him. I turned around, and I holstered my firearm, and I went, uh, I walked away and put my head in between my legs.”

At this point in the interview, agents began asking follow-up questions regarding the event. SA Momchilov asked, “Why'd you put your head between your legs?” Officer [REDACTED] replied, “I think it's starting to set in that, what just happened.”

SA Momchilov then asked Officer [REDACTED] if the individual was completely out of the car when he observed him the first time (exiting the driver's side). Officer [REDACTED] responded, “The first time, yes, he was completely out of the car. He didn't, he didn't go very far from the car, but he was completely out of the car.” Officer [REDACTED] then confirmed that the individual then re-entered the car. SA Momchilov asked how much time elapsed from the time the individual exited the

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driver's side door until he re-entered the vehicle. Officer [REDACTED] responded, "Seconds." Officer [REDACTED] later stated that the individual had the ski mask on when he first exited the driver's side door.

SA Moran later asked, "When he gets back in the car and you see him, moving around inside, he, you can't see what's going on. Is that because you just, like, your field of view, or are you too far away?"

Officers [REDACTED] responded, "I'm on the, I'm on the driver's side. Um, when he went back inside, the door was shut. I believe another cruiser, like, hit the door, and the door shut. I couldn't see through the door. Um, it was dark. He was wearing all dark clothing. I couldn't, I just couldn't make out what he was doing in the car."

SA Momchilov asked Officer [REDACTED] if he found it strange or unusual that the individual was wearing a ski mask. Officer [REDACTED] replied, "It was, it was almost 90 degrees that night. It was very strange and unusual." When asked, Officer [REDACTED] stated someone wearing a ski mask would lead him to believe that some type of criminal activity was afoot and that the individual was trying to hide their identity.

SA Momchilov stated to Officer [REDACTED] "You said you started chasing him, and you drew your taser." Officer [REDACTED] replied, "Yes, sir." SA Momchilov responded, "Do you believe he was still armed at that point?" Officer [REDACTED] stated, "I don't know, but I thought to myself that if I can, if I can use my taser and achieve NMI and get him on the ground, that this, uh, this was probably, I was willing to take that, that risk."

SA Momchilov explained to Officer [REDACTED] that he initially stated that the individual's back was facing him and that's why he deployed the Taser. SA Momchilov then asked Officer [REDACTED] if the individual's back was facing him when he observed individual make the motion that Officer [REDACTED] previously demonstrated.

Officer [REDACTED] explained that when the individual made the motion, the individual was facing him. Officer [REDACTED] continued, "So I had a perfect, perfect visual of him doin' this and then goin' up like this." As Officer [REDACTED] made those statements, he once again demonstrated the motion he stated the individual made. SA Momchilov stated, "And I think you said he did that a second time (reaching to waistband area). Officer [REDACTED] once again demonstrated the motions.

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Officer █████ stated, "I saw him go like this"... "and then go like this."

SA Momchilov replied, "You said, at that point, that's when you heard the gunfire." Officer █████ responded, "I did." SA Momchilov then stated, "And you shot at that point." Officer █████ replied, "Yes."

SA Moran later advised that during Officer █████'s demonstrations of the motion he stated the individual made, Officer █████ used his finger and pointed it like a gun (finger gun). SA Moran asked if the individual used his finger in the same manner. Officer █████ stated, "I saw the hand go up like this." Officer █████ once again demonstrated the motion he stated the individual made. SA Moran asked, "So you saw that motion, um, come out. What, in your training and experience, what does that, what does that lead you to believe?" Officer █████ replied, "That is a shooting stance." Officer █████ continued, "Somebody drew, was going to – I perceived that he was drawing a firearm from his waistband and coming up to take shots at us from a shooting stance."

SA Moran then asked, "Is there any other reason that you know of that someone would take that posture or make that movement?" Officer █████ responded, "There is no other reason that I would believe anybody would do that unless they had a, unless they were trying to shoot us."

SA Momchilov then asked Officer █████ if he could tell if any other officers were firing. Officer █████ responded, "I had, at that point in time, I had – they always talk about tunnel vision, but I don't know. I didn't know any other officers fired at that point. I thought it was just me. I, uh, I was so tunnel, tunnel vision and locked in on him that I thought it was just me firing." SA Momchilov responded, "Okay. So I guess what I'm getting at, is you made your own conscious

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decision to fire, based on what you saw, not what other officers were doing.” Officer ██████ responded, “I based my conscious decision off what I saw.”

SA Momchilov asked Officer ██████ if had been involved in any other prior vehicle pursuits. Officer ██████ stated that he had. SA Momchilov then asked Officer ██████ if there was anything unusual about the area where the individual pulled over at during this incident, compared to the past pursuits that he had been involved with.

Officer ██████ responded, “Yeah. Usually, people try to go to, like, a house or, like, yards, but this was an open field. Um, it was, made me – it's not, it wasn't normal for somebody to run through an open field like that or pull to the side of the road.” Officer ██████ continued, “They try to get away from us, that if you're runnin' through an open field, there's a bunch of people behind you, a bunch of officers behind you giving verbal commands and telling you to stop, it's not the ideal place for that person to run.”

SA Moran stated, “I think you said that, you know, you feared for your safety and the safety of the, the other officers that are at the scene. Um, what, if anything, do you think could have or was going to happen at that time?”

Officer ██████ responded, “Like I say, I, uh, that, that was probably the most frightened I've ever been for my life and my officer, and my fellow officers. I believe that he was trying to shoot my fellow officers or me. I believe he was trying to do that to, to either get away, or I believe that, you know, something else could've, you know, he was thinking' something' else.”

SA Momchilov stated to Officer ██████ “So you, you mentioned or you discussed or we discussed the reason why you started firing. Do you recall what made you stop firing?” Officer ██████ responded, “I stopped, uh, I stopped firing when the threat stopped. I shot until I saw that the threat was stopped.”

SA Momchilov replied, “Okay. I guess some people might say that you fired in excess. I mean, do you have a response to that?” Officer ██████ responded, “I shot until the threat was stopped. When he was on the ground, he was still moving. People could still shoot guns from the ground. Um, people still reach for guns on the ground. I shot until the threat was stopped.”

SA Momchilov asked if the individual was still upright when Officer ██████ initially fired. Officer ██████ responded, “I believe so....I believe, I believe he was either upright or, uh, mid roll.” SA

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Momchilov asked, "Mid roll on the, on the ground?" Officer [REDACTED] stated, "Mid roll as in him falling to the ground."

SA Momchilov asked Officer [REDACTED] if he knew where his point of aim was. Officer [REDACTED] stated, "It wasn't, it wasn't me taking, it wasn't me taking perfectly aimed shots. It was me, basically, press shooting." Officer [REDACTED] also advised that he could not tell where his rounds hit.

Officer [REDACTED] explained that he believed his actions and the actions of the other involved officers were consistent with their training and that no one asked him to lie or otherwise try to influence his statement to investigators.

Officer [REDACTED] was asked if he or any other officer attempted to render aid after the shooting. Officer [REDACTED] explained that when he walked away, he observed other officers placed the individual into handcuffs, called for EMTs and immediately render first aid.

SA Momchilov asked if he ever made his way toward the individual who was shot. Officer [REDACTED] stated, "While another officer was to my left. Another officer was to my right, and we all basically got on line and walked up there. Um, when they started, when they rolled him over and put him in handcuffs, that's when I walked away."

Officer [REDACTED] was asked if he knew which officers were to his left and to his right when he fired; Officer [REDACTED] stated he did not know.

SA Momchilov advised Officer [REDACTED] that based upon the body cameras that officers were wearing at the time of the shooting, it appeared that officers formed an L-shaped line. Officer [REDACTED] was asked if he knew where he was at in the L shape. Officer [REDACTED] replied, "Far left side." Officer [REDACTED] was asked if the L shape was a planned formation. Officer [REDACTED] responded, "It just happened. That was definitely not planned."

Officer [REDACTED] advised that he has never had any prior personal or professional contact with Jayland Walker.

Agents asked Officer [REDACTED] if he watched the footage from his body-worn camera. Officer [REDACTED] advised that he watched the footage from his body-worn camera once. SA Momchilov then asked Officer [REDACTED] if he was basing his statement to agents from his memory or from what he observed on the body-worn camera; Officer [REDACTED] responded, "Memory."

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Officer [REDACTED] was then given the opportunity to view his body-worn camera with his attorney.
Officer [REDACTED] advised that he did not wish to view his body-worn camera footage again.

Reference Items:

The video recordings were placed onto a DVD and were labeled as Reference Item K.

Attachments:

The interview was audio recorded. The audio recording was attached to this report. The signed BCI Criminal Investigation Notification form is also attached to this report. Please see the attachments for further details.

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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

7/11/22 @ 1248 hrs
Date / Time

Signature of Interviewee

C. Hill #64
BCI Agent (Printed)

Cory Noe Hill
BCI Agent (Signature)