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Investigative Report



2021-2286

Officer-Involved Critical Incident- 2469 Kimberly Pkwy.

Investigative Activity: Video Review

Activity Date: 1/4/2022

Activity Location: BCI

Authoring Agent: SA Matt Collins, #151

Narrative:

On Friday, October 08, 2021, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Collins (SA Collins) received video footage from City of Columbus-Division of Police (CPD), Sgt. Terry McConnell. SA Collins was informed that the videos contained footage from the body cameras recorded by the CPD. This report is reflective of the review of Ofc. Andrew Hawkins, Steve Balmert, and Henry Brown's body worn cameras (BWC). SA Collins documented the portions of the audio/video he believed to be the most relevant in obtaining facts necessary to provide an understanding of the events that took place during the incident. SA Collins documented what he believed each subject was saying. For both these reasons mentioned, the reader is encouraged to review the video in its entirety.

During the review, there were two non-law enforcement subjects involved or otherwise present. During the course of the investigation, it was learned the one of the non-law enforcement subjects was Kyle Veyon and the other was Felicia Marshall (Marshall). SA Collins utilized Veyon and Marshall's names for clarity purposes.

SA Collins utilized *iINPUT ACE* (iA) to evaluate and work with the video files to aid in the review. SA Collins brought the following video files into iA; "AndrewHawkins_202109290938_VHC2019709_173084802.mp4"; "SteveBalmert_202109290938_VHC2016653_224999192.mp4"; "HenryBrown_202109290939_VHC2015663_245137112.mp4." By doing so, the program identifies the metadata included within the video. See *Figure 1 for the respective Officer's BWC being referenced.*

SA Collins created subclips and marked images during the review. SA Collins marked a total of eighteen (18) frames/images from the BWCs. The images were named by the frame number identified by iA (F=Frame, F####). SA Collins reviewed the videos and noted the following:



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Ofc. Andrew Hawkins' BWC-

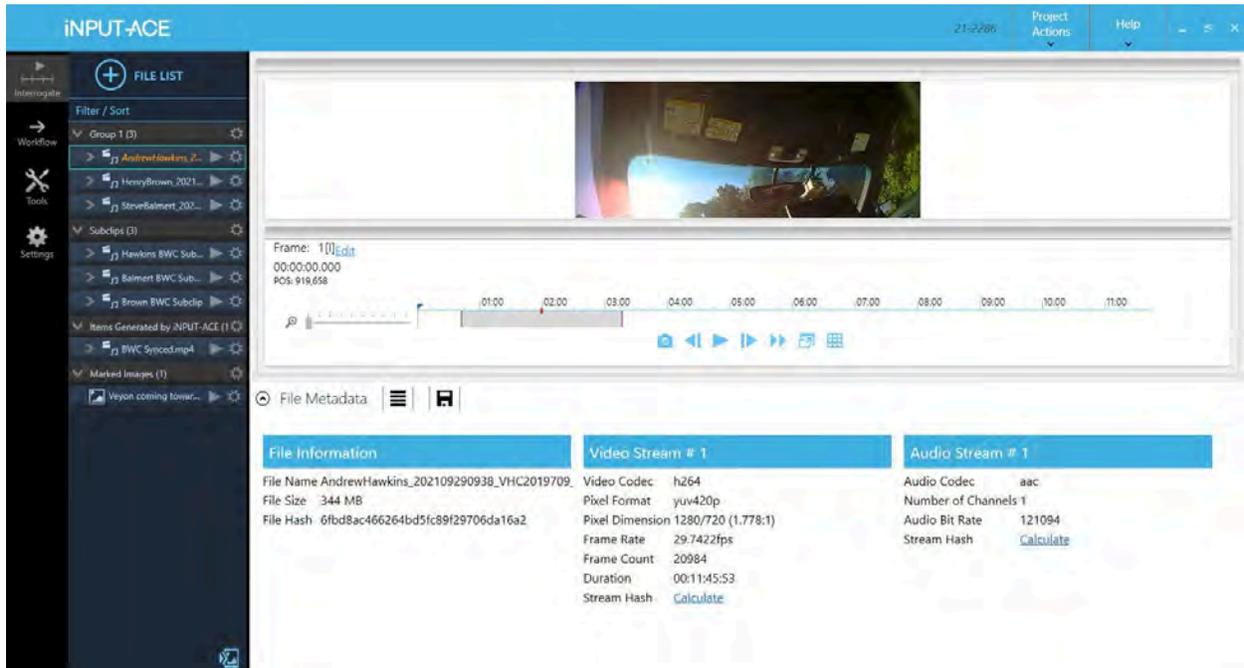


Figure 1: Screenshot of iNPUT ACE playing Ofc. Hawkins' BWC, with Metadata included.

Ofc. Hawkins' video begins with him seated in the driver's seat of his patrol car, while Ofc. Balmert is seated in the passenger seat. At 00:07.038 into the recording, the dumpster enclosure, located in the rear of the apartment complex could be seen out the passenger side window, as officers first drove over a bump or something (believed to be a speed bump). This is noteworthy due to there being a surveillance camera in that area and may allow for the videos to be synced for an approximate time perspective.

At 00:44.732 Hawkins' vehicle begins to approach or come up to another patrol vehicle, known to be Officer Henry Brown's patrol vehicle.

At 01:00.176 into the recording officers are heard, acknowledging the apartment numerics of "Q2." Dispatch is heard providing information related to the identifying the address and names of parties involved. They further stated, "...male half is Kyle Dean and he has a thirty-three, A. I don't know what kind, you'll have to talk to her." At 01:16.087 into the recording, Ofc Brown was heard asking, "What's going on? Who are you young lady?" A female could be heard responding, "Huh?" Ofc. Brown asked, "Are you a manager here?" The female responded,



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"He's in there." Brown asked her who she was and she identified herself as Felicia (Marshall). At 01:26.661 Ofc. Hawkins was heard saying, "We got her." **Agent Note: During the Dispatch Related Information Review, SA Collins noted Ofc. Hawkins advised this specific information on radio channel 2, at 09:40:12 hours.** At 01:52.413 into the BWC recording Ofc. Brown was heard asking, "Is this him?" Marshall responded, "yes." Ofc. Brown could be heard (in a more commanding voice) say, "Stay right there" at 01:54.447 into the recording. Ofc. Hawkins begins to pull forward and a female, believed to be Marshall, was seen in the driver's side mirror between the two patrol cars. *See Figure 2.*



Figure 2: F3486_Believed to be Marshall seen in mirror. Green arrow added by SA Collins



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At 02:00.151 into the recording, Veyon began to enter view from the left side of the screen as Marshall was seen running from left to right. *See Figure 3.*



Figure 3: F3599_Veyon begins to come into view on the left side of the screen. Yellow arrow added by SA Collins.

During that period, Marshall was heard saying something to the effect of, "get him!" Veyon continued to advance towards Ofc. Hawkins with what appeared to be a bladed object in his right hand. Veyon was further seen putting the bladed object up to his neck, as he continued to move toward Ofc. Hawkins. *See Figures 4 and 5.*



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Figure 4: F3626_Veyon coming towards Ofc. Hawkins. Red Box added by SA Collins



Figure 5: Cropped image of F3626



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At 02:01.953 into the recording, Ofc. Hawkins' firearm comes up into view from the bottom right of the screen as Veyon had the object in his right hand, up to the left side of his (Veyon's) neck. Ofc. Hawkins was heard saying, "Back up." It appeared that Veyon initially complied, as he did back up slightly. However, as Ofc. Hawkins, himself, attempted to create distance by backing up, Veyon again began to move toward Ofc. Hawkins. All the while Ofc. Hawkins was heard saying, "stop" several times. Just as Ofc. Hawkins asked, "Do you have a Taser," Veyon turned and began moving in the opposite direction and goes out of view due to Ofc. Hawkins' patrol car. Veyon was seen running northeast, chasing after Marshall, as she repeatedly yelled, "get him!"



Figure 6: F3999_Veyon began to run after Marshall. Green arrow is Marshall. Yellow Arrow is Veyon. Arrows added by SA Collins.



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As Marshall continued to run north/northeast, away from Veyon, she changed direction and began running east and then southeast. *See Figure 7.*



Figure 7: Veyon (yellow arrow) chasing Marshall (green arrow). Arrows added by SA Collins.

As she did so, Veyon appeared to turn his attention to Ofc. Hawkins, who was pursuing them on foot. Veyon turned around and began moving toward Ofc. Hawkins without hesitation.



Figure 8: F4167_Veyon appearing to turn his attention onto Ofc. Hawkins. Marshall running to the right (green arrow; added by SA Collins).

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At approximately 02:18.764 into the recording, Veyon began moving toward Ofc. Hawkins with the bladed object in his right hand, all the while he was saying "Kill me." Ofc. Hawkins was heard saying "Drop it" and "Stop it" as Ofc. Hawkins moved backwards, away from Veyon. Veyon continue to advance towards Ofc. Hawkins until Ofc. Hawkins fired his first shot (1 of 3) at 02:22.601 into the recording (F4272). *See Figure 9.*



Figure 9: F4272_1st Shot by Ofc. Hawkins.

Beginning at 02:17.764 into the recording and ending at 02:23.301 into the recording when the last shot (3 of 3) was fired, Veyon says "Kill me" four (4) times while Ofc. Hawkins said either "Drop it" or "Stop" four (4) times. Based on the time of when Ofc. Brown was heard saying, "stay right there" at 1:54.447 to when Ofc. Hawkins fired his first shot at 2:22.601, the interaction between Veyon and officers lasted approximately :28 seconds.



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As Ofc. Hawkins advised shots fired via radio, Ofc. Balmert was in view with his Taser drawn. Veyon was also in view and he was lying on his back with the knife lying directly next to him. See *Figure 10*.



Figure 10: F4500_Ofc. Hawkins advising shots fired. Ofc. Balmert with Taser drawn (left). Veyon lying on his back with knife lying next to him.

Ofc. Balmert and Ofc. Brown were viewed rendering aid to Veyon, as well as Sgt. Collier when he arrived. Medics arrived and assisted or otherwise took over care of Veyon at 07:01.230 into the recording. At 11:45.530 the video ended. Sgt. Collier advised Ofc. Hawkins he had permission to do so.



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Ofc. Steve Balmert's BWC-

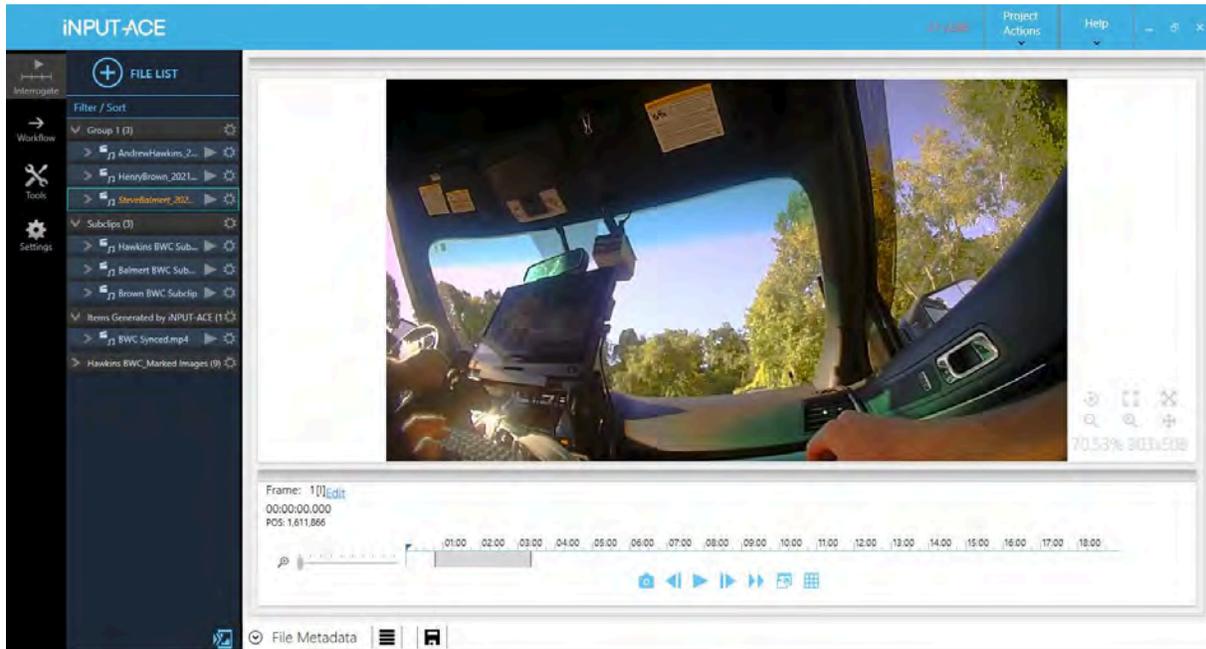


Figure 1: Screenshot of iNPUT ACE playing Ofc. Balmert's BWC, with Metadata included.

Ofc. Balmert's video begins with him seated in the passenger seat while Ofc. Hawkins is driving their patrol car. Due to Ofc. Balmert and Ofc. Hawkins being together in the same vehicle, the video review will focus on the incident where both officers are outside of the vehicle. In an attempt to not duplicate documentation of the incident, the noted information will focus on the events from Ofc. Balmert's most represented perspective.



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At 02:04.023 into his recording, Ofc. Balmert exited the passenger side of his patrol car. Ofc. Balmert went around the rear of the patrol car and continued around to the driver's side of the patrol car. At 02:08.760 into the recording, Ofc. Balmert was viewed with his firearm drawn while Veyon and Ofc. Hawkins were in the center of the screen positioned on the driver's side of the patrol car (9091). *See Figure 2.*



Figure 2: F3861_Veyon and Hawkins in center screen on driver's side



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As Veyon was approaching Ofc. Hawkins (who had his firearm drawn), Ofc. Balmert was seen transitioning to his Taser. See *Figure 3*.



Figure 3: F4004_Ofc. Balmert transitioned to his Taser.

As Veyon began running into the direction of Marshall, it is unknown of when Ofc. Balmert deployed his taser. However, as shown in *Figure 4*, it appeared there were taser wires extending from Ofc. Balmert's Taser toward Veyon.



Figure 4: 4179_Taser wires can be seen coming from Taser, towards Veyon. Arrows added by SA Collins



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As Veyon continued running along the sidewalk, with Ofc. Balmert in pursuit, again there appeared to be Taser wires extending from Balmert into the direction of Veyon. *See Figure 5.* This indicated the Taser wire was attached, connected or caught on Veyon in some manner.



Figure 5: 4247_Taser wires could still be seen between Veyon and Ofc. Balmert. Arrow added by SA Collins.



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Balmert was seen attempting to change out cartridges on his Taser just as gunshots could be heard. See *Figure 6*. Also, while viewing Ofc. Balmert's video, Ofc. Hawkins could be seen taking steps backwards, as Veyon continued to approach him and also while Ofc. Hawkins discharged his firearm.



Figure 6: 4414_1st Shot heard from Ofc. Hawkins

As Ofc. Balmert approached Veyon, the knife could be heard and seen moving across the pavement. Ofc. Balmert's video does not depict Ofc. Balmert kicking the knife. The relativity of that information is related to an eyewitness who believed one of the officers kicked Veyon while he was on the ground just after the shooting. Unfortunately, Ofc. Hawkins' hand blocked the view of his BWC during that specific moment. The reader or viewer is encouraged to view Ofc. Brown's BWC as it is believed his video has the best overall vantage point of that particular moment. Also, further described below, SA Collins synced the three BWC videos which could offer more indication of the events surrounding that moment. It is highly likely, the movements or actions of officers witnessed directly after the shooting were of Ofc. Balmert kicking the knife away from Veyon and towards Ofc. Hawkins.

At 07:20.584 Ofc. Balmert located Marshall to make sure she was okay and see if she was injured. Ofc. Balmert was asking Marshall if Veyon had ever done anything "like this before" and Marshall stated, Veyon had hit her before but there was no knife involved. She further stated, "He like told me, he was going to kill the both of us. (inaudible) believe it."



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At 19:07.693 into the recording an unknown Sergeant advised Ofc. Balmert he could turn off his BWC.

Ofc Henry Brown's BWC-



Figure 1: Screenshot of INPUT ACE playing Ofc. Balmert's BWC, with Metadata included.



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Ofc. Brown's video began with him seated in the driver's seat of his patrol car. Within the video it appeared he was the only occupant. As the video began, Ofc. Brown's vehicle appeared to be moving forward slowly and as it was coming to a stop, Ofc. Brown could be heard asking, "you see apartment Q-2? They said." Dispatch could be heard in the background advising the female was going to be coming out to speak with them and the male half was "Kyle Dean and he has a thirty-three, A." Ofc. Brown was heard speaking with a female, who identified herself as Felicia (Marshall), as she came into view on the left side of the camera view (through the steering wheel). *See Figure 2.*



Figure 2: F980_Marshall coming into view on left. Arrow added by SA Collins



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At 01:10.149, Ofc. Brown was seen pointing toward the front of his patrol car as he was asking, "Is this him?" Ofc. Brown was then heard saying, "Stay right there!" At 01:19.889, into the recording, Ofc. Brown advised, "9-4, 10-3." Ofc. Brown exited his patrol vehicle and turned toward the driver's side rear of the vehicle. As he was moving towards the rear of his patrol car, Ofc. Balmert was seen in his white CPD uniform shirt, Ofc. Hawkins was to the right of Ofc. Balmert in a dark colored CPD uniform, while Veyon was seen running into the direction of Marshall, who was in front of the marked CPD patrol vehicle (9091). *See Figure 3.*



Figure 3: F2711_Veyon running after Marshall in front of Patrol car.



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As Ofc. Brown was approaching the area of where Veyon, Marshall, Ofc. Balmert and Ofc. Hawkins had run to, Veyon could be heard yelling, "Kill me." While Marshall could be seen running into the street and back towards Ofc. Brown. At 01:39.970, Marshall was seen running past Ofc. Brown. At 01:40.104 into the recording, the first shot could be heard by Ofc. Hawkins. See Figure 4.



Figure 4: F3002_1st shot heard from Ofc. Hawkins.

Just after Ofc. Hawkins fired his last shot, Ofc. Brown was heard saying, "You did what you had to." It did not appear Ofc. Brown was saying it to anyone in particular, as he did not say it very loudly.



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At 01:51.078 into the recording, Ofc. Balmert could be seen with a kicking motion, while next to Veyon. The motion was from Veyon towards Ofc. Hawkins and what appeared to be a sound of metal moving across the pavement could be heard. *See Figure 5.* Ofc. Brown was then heard at 02:02.986, asking, "Is the knife out of his hand?" To which Ofc. Hawkins said yes and indicated it was on the ground away from where they were standing. Ofc. Brown advised Ofc. Hawkins to step back and to gather himself and indicated he and Ofc. Balmert were going to handle things moving forward.



Figure 5: F3331_Ofc. Balmert possibly kicking the knife away.

At 02:20.699 into the recording, Ofc. Brown could be heard requesting a squad to be dispatched. Ofc. Balmert and Ofc. Brown were seen rendering aid to Veyon.

A subclip was created in each of the three BWC recordings. The purpose for creating the subclips was in order to sync the three BWC videos so as to depict the incident from each BWC's vantage point. The synced BWC video is two minutes and thirty-four seconds (02:34) long. Below are the notes of how SA Collins synced the video for a "Canvas Editor" video to be created:

- Ofc. Hawkins BWC times and frames-
 - 1st Shot heard- 02:22.601 (F4272)
 - Begin subclip @ 00:42.330 (F1270)
 - End subclip @ 03:16.405 (F5885)

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- Ofc. Balmert BWC times and frames-
 - 1st Shot heard- 02:27.206 (F4414)
 - Begin subclip @ 00:47.067 (F1412)
 - End subclip @ 03:21.012 (F6027)
- Ofc. Brown BWC times and frames-
 - 1st Shot heard- 01:40.104 (F3002)
 - Begin subclip @ 00:00.000 (F1)
 - End subclip @ 02:33.908 (F4615)



Screenshot of Synced BWC video



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ADDITIONAL FACTORS FOR EVALUATING THE VIDEO RECORDINGS

There are numerous other factors that need to be considered when reviewing and evaluating the videos and audio recordings of this incident. Those factors are:

A. Video recording devices record within the video and sound capabilities available, and they record objectively. Video 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.

B. Video 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 recording devices rarely record an event from the same perspective of the officer. 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.

C. 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.

The thumb drive containing the video footage was submitted to the physical BCI case file as item #2 for reference only.