



**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: Interview with Officer  
 Involves: Officer ██████████ (S)  
 Activity Date: 7/8/2022  
 Activity Location: Law Offices of Malarcik, Pierce, Munyer, & Will –  
 121 South Main Street, Akron, Ohio 44308  
 Authoring Agent: SA Charles Moran #67

**Narrative:**

On July 8, 2022, at 1331 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (SA Momchilov) and SA Chuck Moran (SA Moran) interviewed Akron Police Department (APD) Officer ██████████ (Officer ██████████, who was accompanied by his attorney, Jonathan Sinn, 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 ██████████ 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:**

<b>Name:</b> ██████████	<b>Rank:</b> Officer (Ofc.)
<b>Badge Number:</b> ██████	<b>Cruiser/Vehicle Number:</b> ██████
<b>Radio Call Sign:</b> Car ██████	<b>Immediate Supervisor:</b> Sgt. Stevens
<b>Radio Channel Utilized:</b> Channel 2, then patched to 1 channel	<b>Mobile Data Terminal:</b> Present & Utilized, checked vehicle registration & notes from New Franklin PD incident
<b>Cruiser Description:</b> Ford Explorer with APD markings	<b>Occupants of Cruiser and Seating Positions:</b> Officer ██████████ – front seat passenger, Officer ██████████ - driver
<b>Assignment:</b> Patrol, District 2	<b>Normal Shift:</b> 1900-0300 hours

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<b>In-Car Camera:</b> Not Present	<b>Spotlight:</b> Present; Not utilized
<b>Emergency Lights:</b> Present & Utilized	<b>Siren:</b> Present & Utilized
<b>Shift Day of Incident:</b> 1900-0300 hours	<b>Duty Status:</b> On-Duty
<b>Days Off:</b> Weeks consist of 4 days working, 2 days off, rotate days off every week	<b>Prior Overtime or Extra Details within Preceding 48 Hours:</b> None
<b>Hours of Sleep Prior to Incident:</b> 6-7 hours, normal amount	<b>Consider Self Well Rested?:</b> Yes
<b>Total Length as Officer:</b> 2 years	<b>Length at Current Agency:</b> 2 years at APD
<b>Physical Disabilities (to include hearing aid):</b> None	<b>Corrective Lenses:</b> No Corrective Lenses
<b>Uniform Worn:</b> Polo uniform shirt and uniform pants, APD patches on both sleeves, external vest with nameplate, badge, and "POLICE" on it	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> Vest – flashlight, tourniquet, extra rifle magazine, 2 pairs of handcuffs, radio with shoulder microphone, baton, Taser, and body-worn camera (affixed to center line closer to stomach). Belt – pistol, 2 pistol magazines, and flashlight.
<b>Ballistic Vest:</b> External Armor	<b>Body Worn Camera:</b> Present & Used
<b>Other Recording Devices:</b> None	<b>Partner:</b> Officer [REDACTED]
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Training or Areas of Specialty:</b> None with APD, see Military Experience/Training	<b>OPOTC Certification:</b> Current, APD academy
<b>Military Experience/Training:</b> United States Air Force, 10 years, Security Forces, also a Combat Arms Instructor	<b>Use-of-Force Training:</b> Annually and at roll-call
<b>Prior Shooting Incidents:</b> None	<b>Prior Discipline or Use-of-Force Complaints:</b> None
<b>Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident:</b> None	<b>Medications, Prescriptions, or Drugs that might Impair You Now for Interview:</b> None
	<b>Last Consumed Alcohol Prior to Incident:</b> Uncertain, days before the incident

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**Officer's Firearm(s):**

**Weapon #1**

<b>Make:</b> Glock	<b>Model:</b> 17
<b>Caliber/Gauge:</b> 9 mm	<b>Serial:</b> [REDACTED] (from BCI CSU report)
<b>Type:</b> Semi-Auto Handgun	<b>Method of Carry:</b> 1 round in chamber
<b>Magazine Capacity:</b> 17	<b>Total Rounds as Carried (including chamber):</b> 52 = 1 round in chamber, 17 rounds in each of 3 magazines
<b>Extra Magazines:</b> 2	<b>Number of Rounds in Extra Magazines:</b> 17 rounds each in 2 extra magazines = 34
<b>Discharged During Incident?</b> Yes	<b>Primary or Backup Weapon:</b> Primary
<b>Rounds Remaining After Incident:</b> 48 (from BCI CSU report)	<b>Number of Rounds Fired:</b> Believed he fired 2-3 rounds
<b>Right/Left-Handed Carry:</b> Right-Handed	<b>Ownership:</b> Department Owned
<b>Last Qualification Date:</b> During winter, within the last 12 months	<b>Type of Holster, if any:</b> Blackhawk holster

**Narrative:**

SA Momchilov asked Officer [REDACTED] to provide details of the incident that occurred on June 27, 2022.

Officer [REDACTED] said he was patrolling with Officer [REDACTED] in their assigned district and were in the area of North Howard Street and Tallmadge Avenue when he saw the subject's vehicle with a broken taillight with the "white light facing rear." Officer [REDACTED] mentioned the vehicle to Officer [REDACTED] and Officer [REDACTED] checked the vehicle's registration on the MDT. Officer [REDACTED] saw that the vehicle had been involved in another incident with another police department.

The traffic signal turned green and the vehicle made a turn onto Tallmadge Avenue and headed east. Officer [REDACTED] and Officer [REDACTED] followed the vehicle. They talked about the "call notes" on the MDT about the vehicle and that it had been involved in a "chase." The call notes said that the driver during the chase was possibly a white male. The officers believed that a Black male was driving the car as they followed it. Officer [REDACTED] also thought that maybe the driver allowed a friend to borrow the vehicle and did not know what his friend had been involved

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in with the vehicle. There were no warrants or other alerts associated with the vehicle. The vehicle turned southbound onto the State Route 8 on-ramp from Tallmadge Avenue. Officer [REDACTED] told Officer [REDACTED] to let the vehicle go because he did not want to make a traffic stop on the highway for a broken taillight due to safety reasons.

The officers went back to their patrol district and about "10 minutes later" they were northbound on North Howard Street and Tallmadge Avenue when the same vehicle pulled up to the same intersection again. Officer [REDACTED] said, "To me, based off of my training, that just something didn't feel right. Why would somebody who has a broken taillight go south on Route 8 and then get back off on whatever exit they took and come right back to the same intersection? Um, to me that didn't make any sense. So at that point I was really just trying to figure out what's going on with this car. There's got to be more than... 'cause if I had a broken taillight and a cop was behind me and I was going home I would just go home. I wouldn't come right back to the same spot where I saw a cop. So, to me something wasn't right about any of that."

Officer [REDACTED] continued, "We got behind the car again. I double-checked the registration um, to make sure it was the same vehicle. At that time we uh, got about uh, Tallmadge and Thayer I believe is where my partner called out to initiate the traffic stop. Our initial intention was just to make a traffic stop, ask him about the broken taillight, try to figure out if it was the registered owner that was driving the vehicle um, just really ascertain what exactly is he doing in this area after midnight again. After he was already here. Um, you know, just give, just talk to the guy really is all we wanted to do to figure out what was going on."

Officer [REDACTED] continued, "Um, at that the point the vehicle did not stop for our overhead lights so we chirped the siren a few times to make sure he had our attention or he knew we were behind him. We chirped the siren a few times and he still doesn't stop. Um, we were probably going only about 30 miles-an-hour at that point on Tallmadge."

Officer [REDACTED] became emotional (cleared his throat and eyes teared up) and he continued, "We start to make the southbound turn or um, before we even get to the highway um, I remember our supervisor, or getting the hand mic from my partner 'cause he wasn't stopping and that's kind of our plan so he can focus on driving and then I can take over making any kind of calls on the radio um, so I took over the hand mic from my partner from our radio in the car and I remember our sergeant saying you know, 'If this is a chase, I need to hear your sirens.' So I don't remember if it was me or [REDACTED] one of us reached over and flipped on our full overhead lights and sirens so we were full lights and sirens at that point. And I remember saying you know, 'Car [REDACTED] go ahead and make it a chase. We're approaching Route 8 south uh, vehicle is signaling to go

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southbound on Route 8.' I was just trying to focus on where we were, what direction we were going uh, letting other units know so they can help if we need help, or what direction we're going, basically so we can get people in the area if we needed to."

Officer [REDACTED] explained, "So as uh, as we're approaching Route 8 south, and we're starting to go onto Route 8 south, in my head I'm just like, I'm dreading it because I don't want to go on the highway. I really don't want to chase a car on the highway um, in my opinion, in my head I'm thinking you know, if this goes anywhere like, close to construction or past the city, towards the city limits, we're going to cancel this chase so this is just, whatever." Officer [REDACTED] explained that in past experiences with pursuits on the highway that once the vehicle leaves the city limits the chase is canceled.

Officer [REDACTED] continued, "As we're making the turn onto 8 south I was just looking at the car and I heard a 'pop' that was a gunshot um, just based off my experience on firing ranges with firearms and my training I know what gunshots sound like from a close distance or muffled from being within a vehicle and I didn't see a gun, I saw the driver moving around and I saw, or I heard the 'pop' and I saw what I believed to be a round impact the ground in between our vehicle and the driver's vehicle. And I just remember thinking to myself, 'Did this really just happen? 'Cause this is a taillight.' (Officer [REDACTED] became emotional and his eyes teared up.) Um, and I think I was kind of just in shock like, like, I just couldn't believe it. And that's when my partner kind of snapped me out of it because he said, 'Shots fired!' and I was like, 'Oh shit, you're right.' So I still had the mic in my hand and uh, I could hear other radio traffic was going so I had to kind of wait for a second for the radio traffic to stop and then I remember I keyed it and I said, '21 shots fired.' which is 'officer needs help.' (Officer [REDACTED] became emotional again and paused and apologized while his eyes teared up.)

Officer [REDACTED] stated, "So, we uh, we continue um, following southbound behind the vehicle um, my partner is helping to uh, cue me what to say on the radio because that's what you do, you help each other out. So at that point, I was, I was just terrified because my thoughts were if this guy is willing to shoot at us because we were stopping him for a taillight what was he going to do to other people? To other cops? And I just remember like, like we can't let this go at this point. This is beyond, we can't cancel. We can't just let someone go that shoots. (Officer [REDACTED] was emotional during this portion and his eyes teared up.) And, we uh, we got onto Route 8 south and I was just trying to remember intersections that were coming up and exits southbound so I could call, try to call ahead of the chase to let units know to get to other exits in case the vehicle got off at other off ramps. Um, I wanted to make sure that we had units ahead of the chase because I didn't want the suspect to get off and we lose him and who knows what they do

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after that um, so, I remember calling out that, 'We're Route 8 south approaching the blue bridge.' The high-level bridge on Route 8, 'approaching Perkins' um, I just did my best to continue to call out where we were, where the vehicle was um, my partner was doing a really good job I thought of keeping the vehicle within distance, but not too close because at that point we didn't want to get too close to it because to us they already um, established the fact that they weren't afraid to shoot. They had already fired one shot and who knows if we get too close how many more. Uh, so, I remember I didn't even have to tell him, but I remember thinking like, 'Alright. This is good. We're about like 50 to 100 yards behind the whole time.' I remember traffic was light. We were never really going any faster than 80 miles-an-hour during the whole chase. Uh, I don't remember the exact speeds that we were going or what I called out."

Officer [REDACTED] continued, "We were following the vehicle uh, traffic was light uh, vehicles were moving off to the side. For the most part, the suspect vehicle was remaining in the center lane and we were as well. Like I said, we were keeping our distance, 50 to 100 yards behind it. I don't think he was ever more than 100 yards in front of us um, and I don't think we were any closer than maybe 20 yards while we were on the highway, so we kind of fluctuated back and forth, but I just wanted to keep our distance and keep them within eyesight. Um, as we were on Route 8 south I could see other units on the um, on-ramps and off-ramps just kind of paralleling or just going next to our chase and blocking exits basically and also from my perspective they were blocking other vehicles from getting onto the highway mostly um, rather than trying to block him from getting off the highway uh, which I remember like, at the time just being like, 'Wow. I hope I remember to do that the next time something like this happens. Like, that's such a good idea to keep cars from getting on the highway.' "

Officer [REDACTED] explained, "Um, we were approaching uh, the interchange past the university, I wasn't sure, obviously, I could tell which way the vehicle was going to go at that point um, with the construction and everything and it continued southbound um, where Route 8 turns into 77 south then and I could see other vehicles, or police cruisers coming around the area of uh, I just remember looking up and seeing the Lovers Lane sign. So, I remember getting on the radio and telling like, 'Hey units that are coming on at Lovers Lane like, he's coming up on your left. He's on your left right now. Be careful because he's been moving around a lot in there and he did fire a shot through his door.' My beliefs at the time were he was, he had his gun in his hand and I don't know how or what, but I thought he shot through the actual like, door panel um, is what I thought had happened. Um, and I just wanted to make sure that other units coming on weren't pulling up directly next to him or getting in front of him."

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Officer [REDACTED] continued, "Um, as we passed the Lovers Lane there were two units coming on um, I can't remember the one that was in the very front, but then the one behind was um, car [REDACTED] and basically when the unit in front of car [REDACTED] got on it kind of, the suspect vehicle then kind of split those two units. So then it ended up there was the unit in front, that I wasn't, I'm not sure what unit that was, the suspect vehicle, car [REDACTED] was now behind the suspect vehicle and they called out that they took over primary and I remember being like, just trying to think 'cause now I'm was the secondary behind car [REDACTED] so I was trying to remember you know, my training and if I should, I was, remember thinking like, 'Should I keep calling it out even though I'm the secondary?' Which is what's preferred if we can. But then I also remember thinking like, 'I can't even really see where, what that car is doing right now.' And car [REDACTED] started calling out the chase and I felt like they were doing a good job and I didn't want to mess things up for what they were doing 'cause they were handling it fine in my opinion. I don't know if the front cruiser on the highway on uh, 77 south uh, they started to slow down not like, slam on their brakes or anything they just were not going fast um, and I don't know for whatever reason at that point um, the suspect vehicle then uh, took an exit and I think their exit was at uh, Archwood is where the got off the highway and car [REDACTED] was still right behind them and we were behind car [REDACTED]. So car [REDACTED] followed the suspect vehicle and remained as primary and we remained as secondary. We followed car [REDACTED] off the exit. At that point, I wanted my partner to stay with the car in front of us and give them space enough to react, but not too much space that if they made a turn or if the driver bailed that we weren't there with them to jump out quickly um, so, I was trying to be mindful of our intersections and checking intersections and I remember just it seemed like every intersection we came to there was a cop car there blocking an intersection with their overhead lights on. And I just thought to myself like, 'I haven't been in something like this before really.' as either as a primary or a secondary in a chase, to see how this works and I just remember being like, almost in awe of everything because it almost like (Officer [REDACTED] became emotional and his eyes teared up), everything you plan in your head as far as if you want people places it was like they were there."

Officer [REDACTED] continued, "And we continued um, through residential areas um, I don't recall exactly what streets we were taking in those areas uh, but we ended up on, I believe it was Wilbeth heading eastbound and I remember at some point telling my partner like, 'Keep up. Keep up.' Like, 'Stay up with him. Stay up with him.' because I could see there were units blocking traffic at um, South Mai. And so I wasn't sure if the suspect was going to go south in the vehicle again or if they were going to keep going towards the cruisers, but I saw there was also it appeared to be some traffic that was ahead of us that was probably stopped because of the vehicles blocking."

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Officer [REDACTED] stated, "We uh, we were behind car [REDACTED] and I remember just like, a spike of adrenaline because it was almost like I could feel that something was going to happen (Officer [REDACTED] became emotional and his eyes teared up) and I couldn't quite explain it. But I just could feel like, if he starts to slow down this is where he's going to get out. It's got to be right here. And I had a spike of adrenaline and I just remember like, mixed in with the adrenaline was fear because I didn't know if the suspect was going to get out and start shooting just at cops, or other people, or what, or if they were going to run, or just give themselves up. And I just kept thinking to myself like, 'Please God just let this person get out and put their hands up.' Like, 'Just stop. Just let them stop.' (Officer [REDACTED] became emotional and his eyes teared up.) As uh, as we started to slow um, I felt that the car in front of us um, was slowing and the suspect vehicle I could see had kind of hopped the curb a little bit and had slowed to a roll and so I was like, 'This is it. Whatever's going to happen is about to happen now.' So I just made the decision at that point to undo my seatbelt and as soon as my partner came to as close to a stop as he did I jumped out and started running up to the suspect vehicle."

Officer [REDACTED] continued, "I saw the suspect vehicle, the driver's side door open, and another cruiser came and basically used the front of their car to pin the driver's door shut um, I don't think they hit it hard, they just basically coasted their car into his car to pin the door shut from what I recall um, so I just started running up on the passenger side. There was another officer that was in front of me approaching the passenger side um, I was running up towards it. I had my pistol out and drawn, and I remember going around the officer that was towards the passenger side was sort of back I felt like, so I wanted to come around 'cause I could not see really what the suspect was doing only that he was moving inside of the vehicle. Um, so I came around that officer and was basically like, almost at like, a 90-degree angle to the passenger door and I looked in and I could the suspect was wearing a ski mask and my heart just dropped because I was like, 'Oh shit.' Like, 'The guy shot at us once already. He's got a ski mask on.' Like, this is just like, this is like a nightmare at this point. Um, an he was crawling across the front seat of the vehicle to the passenger side and I just kept, I remember I kept yelling at him, 'Stop moving! Stop moving! Stop fucking moving! Stop moving' I just wanted him to stop moving and just, hey give up, but he just kept crawling across and as he was crawling across he would have been facing the rear of the car at that point um, kind of like crawling across like, on his knees with his hands up on the seats to get across and he kept looking down as he was crawling across. And I was like, 'Why is he looking down?' Like, 'What's he going to reach up with?' And, 'Why is this happening?' "

Officer [REDACTED] stated, "Um, and he came out of the passenger side and he froze for a moment and it was like he looked at me and I was yelling like, 'Stop moving! Stop moving!' And I saw

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him just look, I saw his eyes and he just turned and ran and I was like, 'Shit.' is all I could think is like, 'No. No. No. No. Don't.' Like, 'Just stop.' So, I continued yelling, 'Stop!' um, as I am running behind I remember thinking to myself like, 'Maybe I should try to use my Taser?' Um, but then I quickly was like, 'Well, I don't want to have a Taser in my hand if he has a gun. Because I'm not going to do that. That's not going to happen.' Um, as I was starting to run I remembered hearing and seeing one Taser discharge next to me. I don't know who that was, what officer um, I just kept thinking to myself like, 'I can't lose this guy. I'm, I'm not the fastest cop, but I need to keep up with this guy at least so I can see where he's going.' Um, and I remember just running, we would have been running westbound through an open uh, field basically at that point uh, towards a parking lot."

Officer [REDACTED] continued, "As we uh, we're running I had other officers that were running the same direction as me, and they were faster than me, and at this point they're in front of me. Um, and I remember seeing some other officers that would have been approaching the same parking lot um, from the south. So, me and I'm not even sure how many officers were basically running westbound and another group of officers it appeared to me were running northbound and we were all converging on the suspect at this time, who was in the parking lot of uh, I don't even know what building we were at, it was a parking lot, that's all I knew. Um, as we're approaching, I could hear other officers yelling and I was not, I don't think I was yelling at that point, but I was just running and I remember thinking like, 'Please just stop. Show your hands. Just show your hands.' Um, so we ran up on him and I heard other officers yelling and I was bringing my pistol up to basically just point it at him, because I had been running at sort of like a low ready (raised his hand to low ready position) to keep him within my sight, but still run as fast as I could. Um, and I remember as he slowed down I started to slow down because he didn't just come to like, a complete stop. It's like he slowed down and took a few steps and everyone, we were all running and yelling and I brought my pistol up to point at him, and as I did I remembered seeing another officer cross in front of my path, so I pulled it down out of the way, and as I was pulling it down out of the way and then moving up to get on-line with the other officer that crossed in front of my path, the suspect when he stopped, he reached down, his hands towards his beltline, and he started to turn and bring his hands up, and that's when I heard shots being fired and started seeing muzzle flashes."

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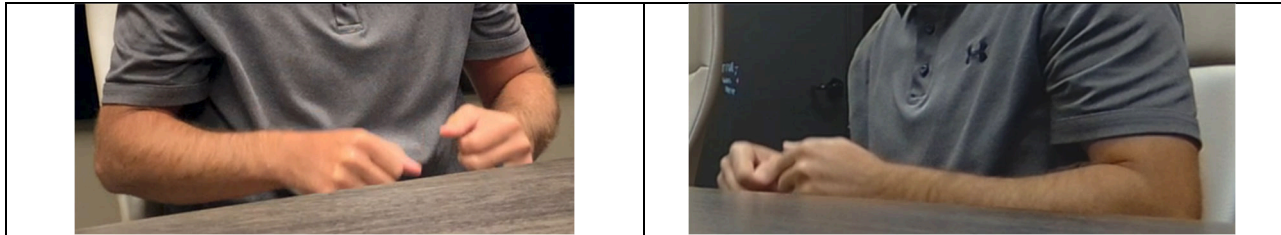


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Officer ██████ explained, “Um, I didn’t shoot at that point because I was not in a safe spot. I didn’t feel to shoot with the other officers around um, I moved up on-line with the other officers as the suspect was falling to the ground. As the suspect fell to the ground I just, again, remember feeling like, like, ‘Why did this guy just not stop?’ Like, it felt like an hour ago at this point and it was like, ‘Why is this happening right now?’ Um, as he fell to the ground I was terrified because he’s still moving even if other officers are firing their weapons and I just remember thinking like, ‘Is nobody like, hitting this guy? Why?’ or like, ‘What’s happening?’ Um, I saw the suspect roll over onto his side after he fell to the ground he started to roll onto his side, and at that time I was on-line with the other officers that I was with and I felt that I was in a safe firing position and I had a good backdrop, because I was trying to remember all of my training about when am I going to fire. I’m not going to fire when there’s other cops that are going to get hurt, or other civilians, or a house, or some innocent person walking by um, and I just remember thinking to myself like, ‘I have a good backstop and he’s still moving and I don’t know what he did with that gun and if he still has the gun on the ground with him, it doesn’t take anything to squeeze off one more round and I’m not going to let that happen to me or to the other officers or to some innocent person that’s just walking on the sidewalk that wants to see what’s going on.’ (Officer ██████ became emotional and his eyes teared up.) And so I fired two or three rounds and I saw the suspect roll back over onto his stomach and I remember thinking myself like, ‘Ok, like, like, I, I hit him. I don’t know like, what else is going on.’ But in my head I was like, ‘I stopped him from moving because he rolled back over and he’s on his stomach now.’ And I remember at that time I just kind of reverted back to my training and felt like the threat at that time we needed to reassess because he was down.”

Officer ██████ continued, “And so I remember and looking to my left and motioning to cease fire (used left forearm and hand to wave up and down) and just doing this motion. And then I remember thinking like, I couldn’t remember if we trained this in the academy like, this hand motion, but I knew we did it in the military. This was our hand motion for cease fire (waved left forearm and hand up and down). So I just started yelling, ‘Cease fire! Cease fire! Cease fire!’ and making this motion (waved left forearm and hand up and down) and people stopped

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shooting. And I could hear another officer when I was yelling it, yelling it as well um, another officer that was off to my left at that time so I wasn't sure if they started yelling it when I did or if they had just heard it and started repeating the commands but, I just remember thinking like, 'Ok, good, like, we're, we've all like, regained our focus like, the adrenaline we need to like, dial it in.' So I just kept thinking about like, what's the next step? And we came on line um, I remember yelling it and hearing other officers yelling you know, 'Get on line! Get on line! Everybody good? Is everybody ok?' Like, 'Yeah, we're ok.' And then um, I remember officers yelling like you know, somebody was yelling, 'Where's the gun? Where's the gun?' Another officer, I heard another officer yelling like, 'Somebody glove up and get ready to move up and cuff.' "

Officer [REDACTED] explained he was covering the subject with his pistol and other officers approached the subject. The officers began "condensing" their formation (moved hands into an L-shaped formation) as they approached the subject. Officer [REDACTED] moved his pistol to a low ready position and he grabbed his flashlight and held it up to illuminate the subject. Other officers handcuffed the subject and searched him. Officers then began to administer medical aid. A supervisor said that any officer that fired needed to be sequestered.

SA Momchilov asked Officer [REDACTED] if the area near North Howard Street and Tallmadge Avenue was a high crime area. Officer [REDACTED] explained that there were multiple places in Akron that he originally believed were not high crime areas, but then he has experienced numerous calls in those areas that led him to believe that they were high crime areas. He explained that there was shooting that occurred at a "club" in the area of North Howard Street and Tallmadge Avenue one week before this incident. SA Momchilov asked Officer [REDACTED] why they went back to that area after initially observing the subject in the vehicle and following the vehicle to State Route 8. Officer [REDACTED] stated, "It is an area that we try to patrol more often because of recent incidents. There's been a lot of shots fired calls in that area, especially after the fatal shooting that happened about a week prior to this incident um, so I wanted to make sure that we had a heavy presence in that area."

SA Momchilov asked Officer [REDACTED] if he remembered the registered owner's address of the license plate he checked. Officer [REDACTED] did not recall the specific address, but that it was "somewhere in Akron."

SA Momchilov asked Officer [REDACTED] about what he meant when he mention not conducting a traffic stop on State Route 8 because it was "unsafe." Officer [REDACTED] explained that he was

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concerned about another motorist traveling at a higher rate of speed and “not paying attention” striking the officers, their cruiser, or the vehicle and occupant they stopped for a traffic violation.

SA Momchilov asked Officer [REDACTED] about the traffic level at North Howard Street and Tallmadge Avenue at the time. Officer [REDACTED] recalled a “couple of cars” being at the intersection. He explained that they were in the left-hand turning lane behind another vehicle when the subject’s vehicle approached the intersection in the right-hand lane, passed by them, and stopped in front of them at the traffic light because there were no vehicles in front of the subject’s vehicle.

SA Momchilov asked Officer [REDACTED] about the moment when they were pursuing the subject’s vehicle, entering the highway, and when he heard the gunshot. Officer [REDACTED] said he did not see the muzzle flash. Officer [REDACTED] estimated that he was “10 yards” behind the subject’s vehicle when he heard the gunshot and saw the bullet impact on the roadway.

SA Momchilov asked Officer [REDACTED] what he meant when he mentioned that he saw the subject “moving around” inside the vehicle during the pursuit. Officer [REDACTED] said he could not see any specific “gestures.” Officer [REDACTED] explained that people drive with one or two hands on the steering wheel and generally don’t make many motions. Officer [REDACTED] said the subject was making numerous “lateral” movements (leaned left and right with his upper body) and was “turning to look back at us to see if we were still behind him.” Officer [REDACTED] said the subject was turning around to see “how many” cars were behind him and the subject was making “twisting” movements.

SA Momchilov asked Officer [REDACTED] if there was a reason that car [REDACTED] took over as the lead pursuit vehicle. Officer [REDACTED] explained that he believed it was simply the position they were in as they entered the highway.

SA Momchilov asked Officer [REDACTED] about the description of the subject wearing a ski mask when he exited his vehicle and how that was a “nightmare.” Officer [REDACTED] stated, “I mean, basically everything that, from a kid when you watch like, like, bank robbers and any kind of bad guys it’s always like this stereotypical just like, guy wearing a ski mask and you know, even like there’s always just like, some mask involved it seems like with any kind of like, nefarious activities and I was like, he already shot at us and he’s wearing a ski mask like, this is just all of the bad things that I could have ever imagined like, when you meet a bad guy like, face-to-face it’s just like all of those things all wrapped into the same, into one package all happening.”

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SA Momchilov asked Officer [REDACTED] about the lighting conditions when the subject exited his vehicle and began running to the area where the shots were fired. Officer [REDACTED] said there were some lights on the roadway and possibly some in the parking lot, but "it was still, still dim." He remembered that the weapon-mounted lights were the brightest lights in the area.

SA Momchilov asked Officer [REDACTED] about his distance from the subject when the subject turned around. Officer [REDACTED] said when the subject exited the vehicle, he estimated the subject was "10 to 15 feet" away. Officer [REDACTED] stated, "When he first came out of the car he kind of stopped and turned and looked at me and then he turned and ran away." SA Momchilov asked Officer [REDACTED] about his distance from the subject when subject stopped, turned around, and made a motion with his hands toward his waist. Officer [REDACTED] estimated that he was "25 or 30 feet away from him." SA Momchilov asked Officer [REDACTED] about the subject's position relative to Officer [REDACTED]. Officer [REDACTED] stated, "His back was towards me. He was running westbound and I was also chasing him westbound."

SA Moran asked Officer [REDACTED] about the two times that he saw the subject's vehicle at North Howard Street and if he saw the subject inside the car. Officer [REDACTED] said the first time he saw the vehicle, he was behind the vehicle and could only see that a black male was driving. Officer [REDACTED] said that led to his initially hesitancy to pull over the vehicle because of the "notes" about a "White male driver" being involved in the "chase" from another law enforcement agency. Officer [REDACTED] thought that maybe the driver allowed his "buddy" to use his vehicle and did not know it had been involved in a pursuit. Officer [REDACTED] said the second time he saw the vehicle, he saw it was a Black male driver and likely the same driver as when he initially observed it. Officer [REDACTED] could not see if the subject was wearing the ski mask during those times.

SA Moran asked Officer [REDACTED] to provide more details about what he saw when he witnessed the bullet impact the ground after hearing the gunshot. Officer [REDACTED] stated, "Yeah um, so, as we were driving it was right when the shot happened and I could hear the distinct 'pop' of a handgun firing and it was almost in conjunction with that um, asphalt and debris kicked up off of the ground in between our vehicle and the suspect's vehicle. And it would have been basically on the driver's side in between our vehicle and his vehicle um, so, I didn't see a flash or anything because I was in the passenger side. We were completing our turn as he was straightening out when that happened. So, it was basically kind of at our 12 o'clock it would have been off to my left um, as the 'pop' went I could also see like, basically um, fragments of the asphalt and stuff it looked like and a puff of smoke like, dirt kick up off the ground." SA Moran asked Officer [REDACTED] how "certain" he was that it was a gunshot. Officer [REDACTED] answered, "A hundred percent." He described that he spent six years working and training on firing ranges in the

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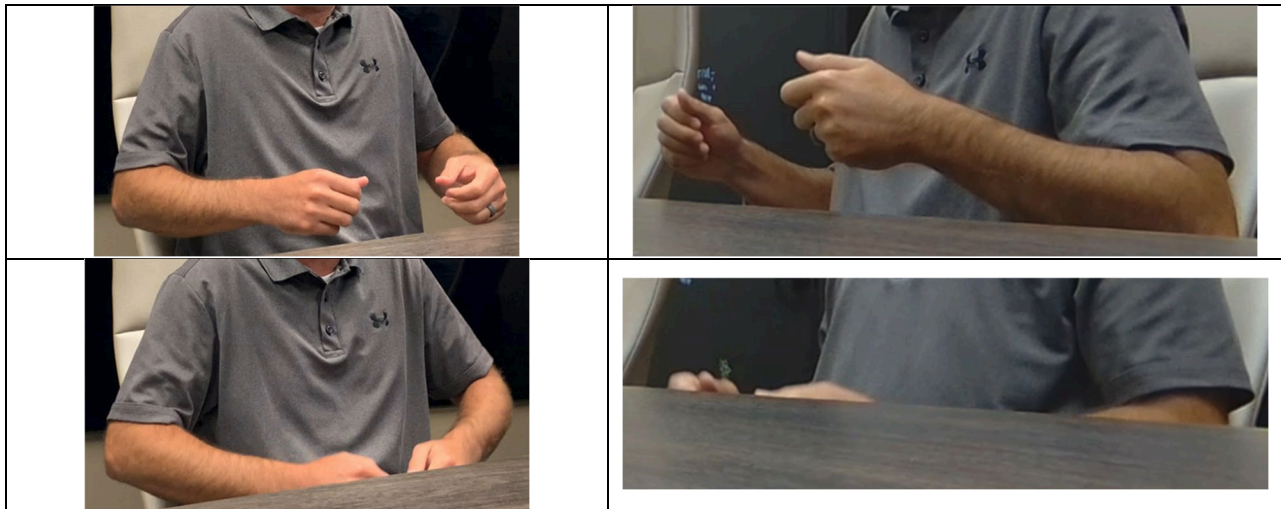


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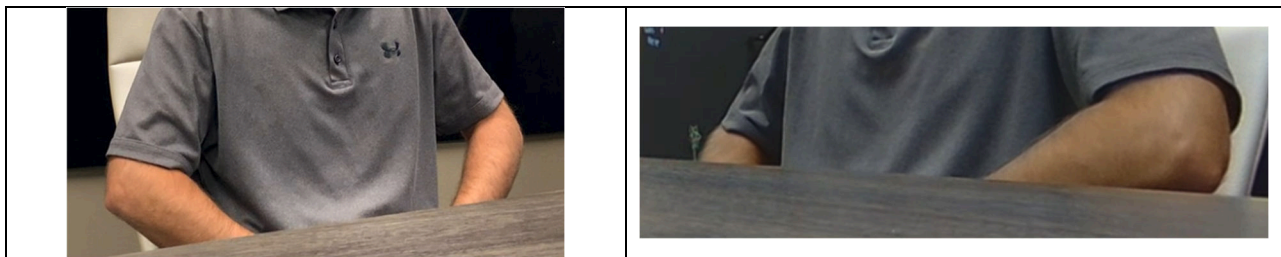
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military and has witnessed and heard numerous and various small arms gunfire being fired and impacting objects near and far. Officer ██████ stated, "I immediately recognized the sound of a pistol and what it looks like when a round hits the ground."

SA Moran asked Officer ██████ about the moments when he witnessed the subject reach toward the front of his waistband and then saw his hands raise up and if he could describe it and demonstrate it. Officer ██████ responded, "It was more of a twisting fashion from my perspective because there were other people moving in my peripheral vision that was kind of all a blur because I had like, really I just had like bad tunnel vision on the middle of this guy's back. So, I can just remember seeing like, it just seemed like big, chunky movements of like, his upper body like slouch down and his hands went to his waistband."



Officer ██████ continued, "It was almost when his upper body slouched his elbows kicked out and I remember seeing his elbows kick out and then condense back in."



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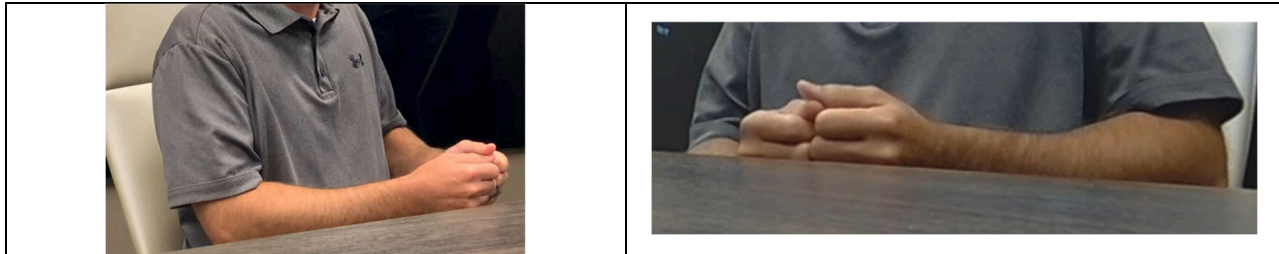


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Officer █████ continued, “So they kicked out and then they condensed back in and his upper body again, started to like, raise up as he started to turn towards officers that would have been approaching from the south.” SA Moran asked Officer █████ about any other motions that he saw the subject make. Officer █████ stated, “I don’t recall seeing actually, I didn’t, I don’t recall seeing his hands actually come up or anything in like a full presentation at that point um, I was still at that point closing in and trying to get on line and so I was...” Officer █████ confirmed that he heard a gunshot at that time and saw muzzle flashes.

SA Moran asked Officer █████ if he experienced any other “perceptual phenomena” during the incident along with the tunnel vision that he mentioned. Officer █████ remembered thinking about why the gunshots were “so quiet” during the incident. He believed he experienced auditory exclusion. He said the time felt like it was “forever.” He felt like it was “a year” from when he first observed the subject’s vehicle and non-functioning taillight. Officer █████ stated, “Everything went from being so quick to almost so slow in like, a heartbeat like, it just all the sudden just went from I was running behind this guy and then it was like the blink of an eye and the next thing I know is I’m yelling, ‘Cease fire!’ ”

Attorney Sinn asked Officer █████ about how he mentioned that he was not the fastest officer and what was “going through” his mind when the subject exited the vehicle and how he kept up with the subject. Officer █████ said he has been involved in previous foot pursuits and they usually end with the subject being tazed or the person simply gives up and is apprehended. Officer █████ stated, “And I just remember thinking to myself like, ‘This is the like, the weirdest foot chase.’ Like, ‘How am I keeping up with this guy?’ Because in my head I was like, ‘This is a kid.’ Like, a little like, a skinny little kid like, he’s probably who knows how old, in his 20’s or something maybe and I’m almost 40, I shouldn’t be keeping up with him like I am. I don’t know if he was trying to figure out where to run to, but he didn’t have somewhere to run to or it just, it all felt so weird to me is like, it’s like as soon as I started to catch up to him um, he’d kind of like pivot or turn in some way when he was running and I was like, ‘Is he going, is he turning around to give himself up? Is he turning around to shoot at me again?’ Um, ‘Why is this

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happening?' Like, 'Why does he keep running in this fashion?' Because he was wasn't in just like, a dead baseball sprint where he had like, 'I'm going point A to point B and I'm going to run as fast as I can.' It was almost like when you see something running, or someone's running and they don't know where to go."

Attorney Sinn asked, "Did that concern you that you were catching up to him? Or that he was slowing down for you?" Officer [REDACTED] answered, "Yeah, big time because as he would start to pull away from me um, I was terrified that he kept slowing down because he wanted me to get closer. Because maybe he wanted me to get closer so he could turn around and start shooting at me. Or maybe he wanted the bigger group of cops to get closer to him so he could turn around and have more people to shoot at. Those were all thoughts that were going in my head because I was like, I want to keep him, it was almost when I was running I felt like the same when we were driving. Like, I wanted to keep him close enough where I could see where he was going to the point where he knows he has nowhere to go and he gives himself up. But I don't want to get too close that I'm presenting too good of a target to this guy where he could just turn around and start firing from the hip and shoot me however many times he wants to."

SA Momchilov asked Officer [REDACTED] if he made his "own conscious decision" to fire or if he fired based upon other officers firing. Officer [REDACTED] answered, "Other officers were firing and I made my own conscious decision at that point because although other officers were firing, the suspect was still moving and I wasn't sure if their rounds were basically um, if they were firing effective rounds to stop the threat." Officer [REDACTED] said he did not know who was standing to his left and to his right while he was firing. Officer [REDACTED] said his point of aim was toward the middle of the subject's "upper back, basically center mass, but on his back." Officer [REDACTED] believed his rounds struck the subject.

Officer [REDACTED] believed his actions were consistent with his training and experience. He believed that the actions of the other officers were consistent with their training and experience. Officer [REDACTED] said he has talked to the other officers to make sure they were "ok" and they did not talk about the "specifics" of the incident. He added, "Still scared about what happened really and I just wanted to see if anyone was feeling the same way I was." SA Momchilov asked Officer [REDACTED] if he spoke with the other officers to determine what each officer would say. Officer [REDACTED] answered, "No."

SA Moran asked Officer [REDACTED] if he believed he fired his shots while the subject was on the ground and moving. Officer [REDACTED] answered, "Correct." SA Moran asked Officer [REDACTED] about when he made the decision to fire. Officer [REDACTED] stated, "Well, I remember I made the decision

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that I was going to fire as he was starting to reach down and turn or blade his body towards the other officers um, that's when I was bringing my pistol up to basically, to presentation to try to line up my front sight. And, but I remember also thinking like, there was another officer in front of me and I didn't feel comfortable with making that shot where they were so I needed to move up to get better basically, a better uh, sight picture and have a safer firing lane."

SA Momchilov asked Officer [REDACTED] if he had any contact with the subject, Jayland Walker, in the past. Officer [REDACTED] answered, "No, I have not."

Officer [REDACTED] said that no one asked him to lie or tried to influence his statement to BCI agents.

The recorded interview concluded at approximately 1431 hours.

Agents asked Ofc. [REDACTED] if he viewed his body-worn camera video. He said he viewed it one time. Ofc. [REDACTED] said his statement to BCI agents was based off of his memory and not the video.

**Reference Item:**

The video recordings were submitted to the BCI case file as Reference Item K.

**Attachments:**

The interview was video and audio recorded. The audio recordings were 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).

[Redacted]  
Printed Name of Interviewee

7/8/22 1330 HRS  
Date / Time

[Redacted]  
Signature of Interviewee

Coy Mamchik  
BCI Agent (Printed)

[Signature] H164  
BCI Agent (Signature)