



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



2024-2614

Officer Involved Critical Incident - 1309 Yellowstone Road,  
Cleveland Heights, Ohio 44121

**Investigative Activity:** Officer Interview – [REDACTED]  
**Involves:** [REDACTED]  
**Activity Date:** 09/19/2024  
**Activity Location:** Ohio Patrolmen's Benevolent Association (OPBA) Office  
10147 Royalton Road #J, North Royalton, Ohio 44133  
**Authoring Agent:** SA Nicholas Valente #139

**Narrative:**

On Thursday, September 19, 2024, at approximately 1144 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente (Valente) and SA Allison Fletcher (Fletcher) interviewed Cleveland Heights Police Department (CHPD) [REDACTED]. [REDACTED] was accompanied by his attorney, Dan Leffler (Leffler), from the Ohio Patrolmen's Benevolent Association (OPBA) and Amanda Hays, an employee of the OPBA. The interview took place at the OPBA office in North Royalton, Ohio. The interview was audio and video recorded. The video recording has been stored in the BCI case file as Reference Item M.

[REDACTED] read, indicated he understood, and signed the BCI Criminal Investigation Notification form prior to being questioned.

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. 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> [REDACTED]	<b>Rank:</b> [REDACTED]
<b>Badge Number:</b> [REDACTED]	<b>Cruiser/Vehicle Number:</b> [REDACTED]
<b>Radio Call Sign:</b> [REDACTED]	<b>Immediate Supervisor:</b> Lt. Gideon
<b>Radio Channel Utilized:</b> CHPD 1	<b>Mobile Data Terminal:</b> Yes, utilized
<b>Cruiser Description:</b> Black vehicle with Cleveland Heights Police decals	<b>Occupants of Cruiser and Seating Positions:</b> [REDACTED] was accompanied by CHPD Officer El Biri who drove the vehicle

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	and was being trained by [REDACTED] [REDACTED]
<b>Emergency Lights:</b> Present, not utilized	<b>Partner:</b> Trainee Officer El Beri
<b>Siren:</b> Present, not utilized	<b>Spotlight:</b> Present, not used
<b>Assignment:</b> Did not recall	<b>Normal Shift:</b> [REDACTED]
<b>Shift Day of Incident:</b> 6p-6a	<b>Duty Status:</b> On-duty
<b>Days Off:</b> Monday and Tuesday prior.	<b>Prior Overtime or Extra Details within Preceding 48 Hours:</b> None
<b>Hours of Sleep Prior to Incident:</b> 4 to 5 hours estimated	<b>Consider Self Well Rested?:</b> Yes
<b>Physical Disabilities (to include hearing aid):</b> None	<b>Corrective Lenses:</b> None
<b>Total Length as Officer:</b> [REDACTED] [REDACTED]	<b>Length at Current Agency:</b> [REDACTED]
<b>Previous LE Experience:</b> None	<b>OPOTC Certification:</b> Cleveland Heights Police Academy
<b>Military Experience/Training:</b> None	<b>Training or Areas of Specialty:</b> [REDACTED] [REDACTED]
<b>Use-of-Force Training:</b> Annual.	<b>CIT/SWAT/Force Science Training:</b> CIT trained
<b>Uniform Worn:</b> CHPD shirt with patches, pants, outer-carrier vest ("Police" on front and back)	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> Radio, 2 pistol magazines, one rifle magazine, handcuffs (2 pairs), knife, tourniquet, flashlight, ASP baton.
<b>Ballistic Vest:</b> Yes, outer carrier	<b>Body Worn Camera:</b> Yes, utilized
<b>In-Car Camera:</b> None	<b>Other Recording Devices:</b> None
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Prior Shooting Incidents:</b> None	<b>Prior Discipline or Use-of-Force Complaints:</b> None

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

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**Weapon #1**

<b>Make:</b> Colt	<b>Model:</b> M4 - Obtained from C.S.U.
<b>Caliber/Gauge:</b> 5.56 X 45 NATO - Obtained from C.S.U.	<b>Serial:</b> [REDACTED] - Obtained from C.S.U.
<b>Type:</b> Rifle	<b>Method of Carry:</b>
<b>Magazine Capacity:</b> Believed by [REDACTED] to be 30 cartridges	<b>Total Rounds as Carried (including chamber):</b> Believed by [REDACTED] to possibly/ likely be slightly less than 30.
<b>Extra Magazines:</b> 1 on his person	
<b>Discharged During Incident?</b> Yes	<b>Primary or Backup Weapon:</b> Secondary
<b>Rounds Remaining After Incident:</b> Unknown	<b>Number of Rounds Fired:</b> Estimated two or three
<b>Right/Left-Handed Carry:</b> Right	<b>Ownership:</b> Department Owned
<b>Last Qualification Date:</b> July or August of last year estimated, qualifies annually.	<b>Type of Holster, if any:</b> N/A (Car locking mechanism)

**Video Reviewed:**

Prior to the interview, [REDACTED] had not watched his body worn camera (BWC) videos, nor did he watch any of the other officers' BWC recordings.

**Narrative:**

After obtaining the above noted preliminary and demographic information, [REDACTED] provided the following information related to the incident on August 29, 2024:

[REDACTED] was not specifically dispatched to respond to the call for service on Yellowstone Drive. However, he heard the radio traffic for the call while in the jail and chose to respond voluntarily. [REDACTED] recalled the radio traffic for the call involved information to the effect of an argument between a father and son and the father possessed a gun while the two were involved in some sort of domestic dispute.

[REDACTED] was working as the [REDACTED] for Officer El Biri at the time of this incident. Officer El Biri drove himself and [REDACTED] to the scene from the jail. While travelling to the scene [REDACTED] heard additional radio traffic relative to the incident. [REDACTED] recalled hearing on the police radio that officers set up a perimeter around the house. It was the son who possessed the gun, and both the son and father were still inside the house. [REDACTED] also stated that around the

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time of his arrival, other CHPD officers had requested a negotiator and SWAT respond to the scene.

██████████ had previously interacted with the subject, Christian Thomas (Thomas), prior to this incident. ██████████ relayed he previously responded to an overdose call placed by Thomas. On that occasion, Thomas reported his friend had overdosed on drugs. The individual who overdosed was given Narcan and recovered. ██████████ drove Thomas home to his residence on Yellowstone Road at the conclusion of that incident.

██████████ also previously responded to Thomas's home to locate Thomas after Thomas was reported by South Euclid Police to have been seen on surveillance video walking out of a Planet Fitness gym in South Euclid with a phone (that was apparently stolen). ██████████ spoke with Thomas's father at the home. Thomas's father advised ██████████ that Thomas was not home.

At the time ██████████ responded to the call for service on August 29, 2024, he was aware that the subject, of this most recent call, was the same individual described above he previously interacted with on the overdose call and attempted to locate on the theft complaint. ██████████ could not recall having ever responded to the home or interacted with the subject's father or sisters outside the previously described incidents.

██████████ believed CHPD ██████████, Ondercin, Guyton, Dugan, and Franklin were already on scene upon his arrival.

When ██████████ and Officer El Biri arrived, they parked to the south of the subject residence on Yellowstone Road. Upon exiting his patrol vehicle, ██████████ removed the patrol rifle from the vehicle and chambered a cartridge into the weapon. ██████████ approached ██████████ who was standing behind a tree near and to the south of the front door of the subject residence. ██████████ advised ██████████ that the subject was observed with a gun in his hand. Later in the interview, ██████████ added that he was told the subject had his finger on the trigger at the time ██████████ saw the subject at the front door. ██████████ believed he also overheard radio traffic, around this time, that the subject was walking around inside the house. ██████████ asked ██████████ to retrieve his patrol rifle from his vehicle for him. ██████████ went back towards his patrol vehicle with Officer El Biri to retrieve ██████████ rifle for him. While doing so, ██████████ realized ██████████ car was positioned too far forward or towards the subject residence to safely do so. ██████████ then began to return towards

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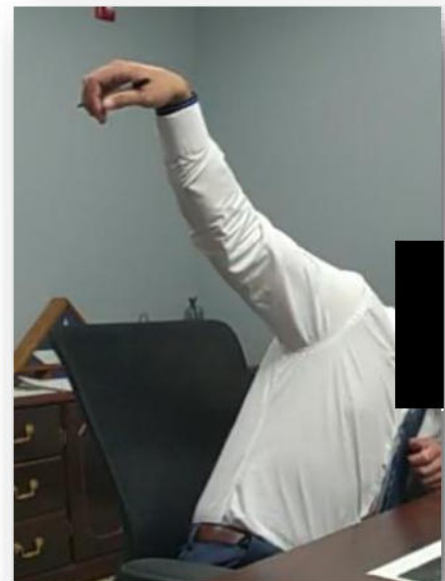
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██████████ position. At some point around this time, ██████████ heard Thomas's father tell officers that Thomas (21:32) "might be on psychedelics."

In describing his actions immediately preceding and during the shooting, ██████████ stated, (21:40) "Um, as I'm half covered behind the tree, I believe Officer El Biri stayed back here (pointed to location on diagram south of subject residence). Um, I heard a, I heard one single, what I believed to be a gunshot. It was a pop. It was a smaller, smaller calib, caliber round. Um, and there was kind of a moment of pause. And I started thinking in myself, did he just, did he just shoot himself? Um, and again at some point, I can't recall if it was after that one or the second pop I heard, I believe I radioed 'Shots fired. Shots fired.' And again, it's, it's very, it was after I heard the pop. I heard the second pop, and it appeared to have come from the front door area here ██████████ marked the diagram at / near the front door of the subject residence with a marker). His last known location. ██████████ also mentioned it has, he's in the front door with the gun. So, the sounds came from this area ██████████ again marked the area of the center front of the subject home). Now I don't know, and I can't recall if I heard a louder, um, a louder gunshot, um, but I, again I didn't know if he was firing from this front door. It was very dark in this front door area.

Um, we had all these guys out here (motions over diagram in the area of the subject's front yard on diagram) so when I heard the pop, pop, I can't recall if the louder noise came before or after I fired. So, seeing ██████████ here, he only had a handgun, very low visibility, I may have been on this side of the tree, and I fired two to three rounds into his last known position. Given that two officers and his family were standing out front and this is the last known location given by ██████████, I believe it was over the radio. Um, so I fired twice, or two to three times in this direction (motions to front door area on diagram).

At that point, again, I don't know if I called shots fired again. Um, I see someone running from this direction here. The front of the house which I believe to be, uh, at that point I saw him continue to run this was through bushes and as he's running away, he is, I saw him like this, run sideways (demonstrated awkward posture/ body positioning with body leaning left and right arm extended out and up to the side with right hand turned downward and back 23:58). Again, pretty far



██████████ demonstrating the subject's posture as he fled (23:58).

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distance, looked like, he was running like this (repeated demonstration of the subject's arm/body positioning). [REDACTED] began to run this way. I pointed my rifle in that direction 'cause again it sounded like more shots were going off. Um, I didn't have a clear shot 'cause [REDACTED] running in front of me. Because' he's running away with his hand like this, (again demonstrated awkward hand/body posture of subject) um, more fire, more shots were heard, and I believe I got over the radio. I don't know if I went through and you could hear me, I said 'Watch your crossfire.' 'cause I knew that the house was surrounded. I just didn't know who was on this back end here. So, as he's running, he finally came to a rest in this driveway" (marked the neighboring driveway).

[REDACTED] then described how he intended to go around the backyard of the neighboring property to approach Thomas from the opposite side so he could see Thomas's hands which were then obstructed from his view. Before [REDACTED] left his current position to reapproach from the other side of the home, other officers approached the subject. These other officers flipped Thomas over to render aid. At that time, [REDACTED] observed an injury to the subject's right wrist that [REDACTED] described as (25:29) "hanging on by very little, he was exposed."

Officers then began to render aid to Thomas. [REDACTED] himself attempted to hold back one of Thomas's sisters who was distraught. Around that time, [REDACTED] realized his BWC was not on, and he activated the camera.

[REDACTED] and other officers then began to search the area for a firearm discarded by Thomas. [REDACTED] marked the map where he believed Thomas's firearm was located and stated (26:36) "I'm unaware of exactly where he shot. I believed him to be shooting from this direction."

After helping to contain the subject's family members from approaching the subject in the moments immediately following the shooting [REDACTED] returned to the police station.

[REDACTED] described the lighting at the time of the incident as (27: 05) "very dark."

[REDACTED] shared with investigators that he believed the subject's family stated the subject had fired a gun inside the home prior to the arrival of police, while he was on scene.

When asked if he himself saw the subject at the front of the house with the gun at the same time [REDACTED] reported he had seen the subject at that location with the

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gun in his hand and finger on the trigger, [REDACTED] reported he had a slightly different angle than [REDACTED] and could not see the subject at that time.

[REDACTED] explained that he was not sure exactly where the gunfire he heard, prior to the shooting, was coming from, but believed it was in the general vicinity of the front of the home as that was the subject's last known location. [REDACTED] stated (29:49) "I was attempting to, you know, believed him to have a handgun, the first pop, second pop, fired rounds into the front door, um, in order to give covering fire for [REDACTED] here and the other officers, and um, Officer Guyton, and the family here, he was in the front door. [REDACTED] stated his point of aim was the front door, but it was partially obstructed by (30:34) "some type of structure" due to the angle he was standing at in relation to the front door.

When asked what his decision to fire was based on, [REDACTED] stated, (31:03) "Based on his last known location. Where [REDACTED] was. Um, and the other officers out here."

When asked, [REDACTED] said he did believe the subject was firing his weapon at the time [REDACTED]. [REDACTED] believed the first and second popping sounds he heard was the subject firing his weapon.

When asked where he first saw the subject, [REDACTED] stated (31:43) "So I, I did not have visual on the subject." [REDACTED] then clarified, (31:56) "So, after, after I fired, he, again he, I was a little further back. He comes running out. I don't know if there's a front yard. I don't, I'm not. I can't tell you exactly where, but I did see him running from this general direction and running away, this way (motioned/marked the diagram in the direction of the neighboring property to the north).

[REDACTED] did not see the subject when he fired his rifle towards the front door of the home. When asked, [REDACTED] stated he stopped firing before he saw the subject. [REDACTED] explained that once he did observe the subject, he followed the subject through the front yards into the neighboring yard to the north. [REDACTED] saw the subject come to a rest in the neighboring driveway. [REDACTED] then briefly directed his rifle at the subject, believing he may still be armed and may have attempted to reengage officers in gunfire.

When asked further about the odd posturing of the subject's right hand and arm that he observed, [REDACTED] stated at the time he observed the subject running away with this odd posture he was not sure if the subject was still armed and thought it was possible at that moment the subject was still armed and may have been firing behind himself towards officers and that could have explained the subject's awkward hand/arm positioning at the time. [REDACTED] explained that he did not clearly

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see the subject as he ran, noting it was dark, and the subject was a significant distance away from him at the time. [REDACTED] could not tell at that moment what the subject was actually doing beyond running away from his direction. [REDACTED] stated he did not reengage the subject with additional gunfire, due to his positioning, having previously noted [REDACTED] being between him and the subject, and concerned about crossfire and the possibility of unintentionally striking an officer if he were to fire.

When asked if he feared for his own safety or that of the other officers or the subject's family outside at the time of the shooting, [REDACTED] said (35:00) "yes." When asked to describe what lead to his fear for his and others safety, [REDACTED] said (35:07), "Um, his last known position. Hearing two, uh, gunshots, small caliber rounds, which he, believed him to have. Um, and the positioning of the other officers as well."

When asked if he perceived any other options available to him other than the use of deadly force at the moment he fired towards the front door of the home, [REDACTED] stated (35:35) "I did not."

When asked if he felt he ever had an opportunity to give any type of warning to the subject prior to firing, [REDACTED] said (36:39) "No."

[REDACTED] did not hear the subject make any verbal statements before or after the shooting.

[REDACTED] observed other CHPD officers render aid to the subject immediately after the shooting and believed he saw some of these officers specifically doing chest compressions on the subject.

When asked if he felt his actions were consistent with his training, [REDACTED] stated (37:17), "Yes."

When asked if he observed any actions by the other involved officers that could have been considered inappropriate or criminal in nature, [REDACTED] said (37:48), "No."

[REDACTED] told the agent he believed he activated his BWC at the beginning of the incident and believed it was on and recording throughout the entirety of the incident until after the shooting occurred. [REDACTED] noticed the indicator light on his BWC was green (indicative of not recording) while he was attempting to keep the subject's family away from the subject just after the shooting occurred. Upon noticing the green light on his BWC, [REDACTED] hit the button on the device to begin recording. [REDACTED] was unaware he had stopped his BWC from recording while

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on scene, just prior to the shooting taking place. When told his BWC recorded both before and after he fired, but not during the actual time he fired, [REDACTED] told agents based on this information he must have inadvertently turned his BWC off. [REDACTED] explained to agents that his BWC is turned on and off with a single short push of the recording button. [REDACTED] believed he inadvertently and unknowingly must have bumped the button to turn off the recording just prior to his firing.

The scene diagram marked by [REDACTED], the Criminal Investigation Notification Form signed by [REDACTED] and the audio recording of the interview were attached to this report.

**References:**

Reference Item M – [REDACTED] Interview Video

**Attachments:**

1. Audio Interview [REDACTED]
2. [REDACTED] Criminal Investigation Notification Form
3. [REDACTED] Scene Marked Diagram

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**DAVE YOST**  
OHIO ATTORNEY GENERAL



Bureau of Criminal Investigation  
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Fax (330) 659-0681

## 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

09/19/24 1145  
Date / Time

  
Signature of Interviewee

NICK VALENTE #139  
BCI Agent (Printed)

  
BCI Agent (Signature)



9/19/24 1230