



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: June 12, 2022

Authoring Agent: Special Agent Cory Momchilov #64

Narrative:

On Tuesday, July 12, 2022, at 1351 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 her attorney, Jacob Will (Will), 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: [REDACTED]	Rank: Officer (Ofc.)
Badge Number: ID [REDACTED]	Cruiser/Vehicle Number: Called Car [REDACTED] but did not believe they were actually in C [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, does not recall using it or not during incident
Cruiser Description: Ford Explorer, APD markings	Occupants of Cruiser and Seating Positions: 2 Officer [REDACTED] passenger-Officer [REDACTED] [REDACTED] driving
Assignment: Patrol-Platoon 4	Normal Shift: 1900-0330 hours
In-Car Camera: Not Present	Spotlight: Present; Not utilized
Emergency Lights: Present & Utilized	Siren: Present; does not recall if it was

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	activated
Shift Day of Incident: 1900 to 0330 hours	Duty Status: On-Duty
Days Off: Weeks consist of 4 days working, 2 days off, rotate days off every week. Officer [REDACTED] was in day 4 of 4.	Prior Overtime or Extra Details within Preceding 48 Hours: No
Hours of Sleep Prior to Incident: Stated she did not know	Consider Self Well Rested? Yes
Total Length as Officer: 5 years total-Prior to Akron Police Department, [REDACTED] Police Department	Length at Current Agency: Since February of 2021
Physical Disabilities (to include hearing aid): No	Corrective Lenses: Contact Lenses
Uniform Worn: Standard Akron Police Department blue uniform, APD patches on both arms, with "POLICE" on her vest	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: On vest-radio, Taser, tourniquet, body-worn camera, pens and notepads. On duty belt-firearm, handcuffs, spare magazines, glove pouch, O.C. spray and a baton.
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: No	OPOTC Certification: Youngstown State Police Academy 2017 and Akron Police Academy 2021.
Military Experience/Training: No	Use-of-Force Training: Taser Training (past 12 months) Stated nothing else formal
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: Stated did not know

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Officer's Firearm(s):

Weapon #1

Make: Glock	Model: 19
Caliber/Gauge: 9 mm	Serial: ██████████
Type: Semi-Auto Handgun	Method of Carry: 1 round in chamber
Magazine Capacity: 15	Total Rounds as Carried (including chamber): 46 = 1 round in chamber, 15 rounds in each of 3 magazines
Extra Magazines: 2 extra, 1 in the pistol = 3 total	Number of Rounds in Extra Magazines: 15 rounds each in 2 extra magazines =30
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 35	Number of Rounds Fired: Stated at the time she did not know. Overheard someone performing a round count after the incident and advised that 10 or 11 shots were fired. 11 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: Believes within the last 12 months	Type of Holster, if any: Department issued, triple retention

SA Momchilov asked Officer ██████████ if she could discuss the incident. Officer ██████████ explained that she was working Car █ with her partner, Officer ██████████ (██████████). Officer ██████████ was the driver and Officer ██████████ was the passenger. Officer ██████████ advised she heard Car █ (██████████ and ██████████) broadcast over the radio that they were making a traffic stop. Shortly after, Car █ advised that the vehicle was not stopping and a pursuit ensued. Car █ then broadcasted over the radio that the driver of the fleeing vehicle had, "Shot one time at them." Car █ then broadcasted that they were okay but that the driver did shoot at them.

Officer ██████████ explained that her and Officer ██████████ were never directly involved in the pursuit but that they did travel to the area in which Car █ was traveling to. Officer ██████████ further explained that when her and Officer ██████████ arrived in the area of Wilbeth Road and

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Clairmont Avenue, she observed the “suspect vehicle,” as well as cruisers traveling westbound on Wilbeth Road. Officer [REDACTED] stated they were stationary on Clairmont Avenue when they observed the “suspect vehicle.”

Officer [REDACTED] stated, “We saw Mr. Walker's vehicle come to a slow stop. Usually, when that happens, the driver is either going to stop or they're going to, uh, flee on foot so Officer [REDACTED] had positioned our cruiser in a way that we pin the driver side door as Mr. Walker was attempting to get out, um, that prevented him from being able to exit from the vehicle and he got back into the passenger compartment and the vehicle continued to roll, um, because he, it was never placed in park. When I got out of my cruiser on the passenger side, I did have my weapon out due to him already shooting at officers and still actively trying to flee. Uh, he was in the passenger compartment while officers were giving him many commands to, to stop, to show his hands.”

Officer [REDACTED] continued, “He exited from the passenger side vehicle and led officers on a foot pursuit. Uh, as we were pursuing him, I did hear two Tasers go off that were ineffective. Obviously, um, Mr. Walker had kept running. That's how I knew they were ineffective and as we approached into the parking lot where the incident took place, um, so we approached in like a V formation. I was in the back of that, like in the middle, and as we were going into the parking lot, Mr. Walker slowed down, turned and did a cross draw, um, as if he was reaching for a firearm, um, from his left side, his hip waistband area. And then his arm came up. Um, I already believed that Mr. Walker was armed because he did already shoot at officers. He was digging around in the car and then he, he did take off on foot from officers. Um, at that point, when I saw him cross draw and lift his arm up, I did hear one shot that I believed was at my direction because of the way the, um, Mr. Walker was facing. Um, he, I heard the one shot and I immediately dodged out of the way to the left, um, because I believed if he shot again that I would be not at the same place that he last saw me and I tried to get up online so that I could return fire. I was a little bit farther back than the officer right next to me so I had to make sure that I, I got up far enough, um, so that the, that officer did not move into my line of fire. Um, I did discharge my weapon and I stopped, um, shooting when I heard another officer say cease fire and I did see Mr. Walker on the ground.”

Officer [REDACTED] continued, “At this point, I did tell other officers on my left side, I verbalized to them that I could still see Mr. Walker's right hand moving and I didn't know what was over there, and I could see on his left side, he did not have a firearm or anything, any other weapon or anything on his left side on the ground or in his hand, but I could not see that right side that was still moving. Um, at that point, we all moved in and as other officers were checking him, um, I

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did, uh, handcuff him and then my partner and I walked away from the scene where we were shortly separated and put into cruisers with other officers.”

At this point in the interview, agents began asking Officer [REDACTED] follow-up questions.

SA Momchilov asked Officer [REDACTED] if she blocked any intersections at any point in the pursuit. Officer [REDACTED] responded, “We, we were posted at Wilbeth and Clairmont, um, but the vehicle never made it to us, so we, we didn't block off the intersection but he had slowed down before he had gotten to us.”

SA Momchilov then stated, “And you said your partner pushed the car door shut as he was temp, attempting to get out?” Officer [REDACTED] responded, “Yeah with, our front bumper.” SA Momchilov asked Officer [REDACTED] if she observed the individual at that point. Officer [REDACTED] stated she observed the individual when he was attempting to get out and that the individual was wearing a mask.

SA Momchilov asked if Officer [REDACTED] gave any verbal commands. Officer [REDACTED] stated that she did not.

SA Momchilov then stated, “And I believe, you said as they're chasing the individual, you were kind of in the back, is that correct?” Officer [REDACTED] advised that it was. SA Momchilov then replied, “And you saw him do a cross draw. Um, could you maybe elaborate on that or maybe demonstrate what, what you observed?”

Officer [REDACTED] responded, “So as we were, as we got closer up into the parking lot, um, officers had kind of spread out more. Um, I could clearly see Mr. Walker and as he was running away from me, from all of us, he slowly turned around...”



Officer [REDACTED] stated, “then quickly reached down to his left side, uh, his left hip with his right arm.

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Officer ██████ continued, “and then raised his arm up and then I heard that shot and believed that he shot at me, as well as the officers that were close to me.”

SA Momchilov stated, “Okay. And I believe you said you're, you heard the gunshot but other officers, one other officer was in your line of sight or line of fire. How much time elapsed between when you heard that shot until you fired? Do you have any idea?”

Officer ██████ responded, “It was, it was so quick.” Officer ██████ continued, “It, as soon as I heard that, I, I moved out of the way and returned fire.” SA Momchilov then asked, “Did you hear other gunshots going off at that point?” Officer ██████ replied, “No, I heard the first one that I believed was coming from him and then I heard, towards the end, after I stopped firing.”

SA Momchilov then asked if Officer ██████ if her decision to fire was based off of what she observed or based on the other officers' actions. Officer ██████ replied, “It, it was based on what I observed with him, with him turning around how he did, reaching as if he was grabbing for a firearm which I believed he was armed due to already shooting at officers, running from officers and then the draw that he did is exactly what somebody would do, um, as if they were pulling out a firearm from their waistband.”

SA Momchilov then asked, “Can you tell, when you fired, was he upright?” Officer ██████ responded, “Yes, he, for the first one that I shot, I believe he was standing up.” SA Momchilov responded, “Okay, and then at some point, he, he fell to the ground, is that correct?” Officer ██████ responded, “Yes.”

SA Momchilov asked if Officer ██████ if she observed the individual making any movements on the ground. Officer ██████ stated, “Yeah, I did observe he was lying on his back and his right hand was, his right hand and arm were moving. I couldn't see exactly what he was doing.”

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SA Momchilov asked Officer [REDACTED] if she could observe anything in the individual's hands. Officer [REDACTED] advised that she could tell that there was nothing in the individual's left hand. Officer [REDACTED] stated she was unsure if anything was in the individual's right hand and that she verbalized that to the other officers that were on her left side. Officer [REDACTED] advised that she felt that the officers on her left side had a better view of the individual's right hand.

SA Momchilov asked Officer [REDACTED] what she said when she verbalized to other officers. Officer [REDACTED] stated, "I said watch his, something to the effect of watch his hand, I can't see it. I can't see that side. He's moving."

SA Moran explained to Officer [REDACTED] that she had previously mentioned that officers formed a V shape when chasing the individual. SA Moran then asked if that was a preplanned maneuver. Officer [REDACTED] replied, "I think that's just how it happened and then that's how I perceived us as we got to the parking lot, 'cause there was more of an area, uh, when we got to that parking lot and I was more so in the middle but a little bit behind um, when we got up to the parking lot."

SA Moran asked if Officer [REDACTED] if she could observe what the individual was doing as he was running in the parking lot. Officer [REDACTED] replied, "I didn't have a good line of sight for him until we kind of spread out and then that's when I saw him slow down. So while he was running no, but what, when I saw him slow down and turn and do the cross draw and raise his arm up and heard the shot, that's, that's what I observed."

Officer [REDACTED] was asked if she experienced any perceptual phenomenon, such as tunnel vision, auditory exclusion, time slowing down or speeding up. Officer [REDACTED] stated that she did and explained, "When, like I said, when I had that line of sight of him running ahead and then slowing down and turning, that, that's all I saw and I knew there were other officers on either side of me but I didn't see them. I saw him. Um, and then I heard that first shot and the up until, um, I saw, probably my last couple rounds to when I was done shooting, that's when I heard other officers' shots."

SA Moran asked Officer [REDACTED] why she decided to handcuff the individual. Officer [REDACTED] stated, "So as we were all approaching, um, I approached on that left side and I don't know, I mean, I did have some, I, I, I saw him laying there but I didn't see everything, um, probably due to the, the incident in which you were just talking about, um, so other officers were checking him, which I'm assuming but I don't know, um, you know, for weapons, for injuries and somebody did say handcuffs and as other officers were checking him, that's when I grabbed my handcuffs out. And I didn't know at that time if he still was a threat and at the end of, um, incidents when, when this occurs with the use of force, we do typically put people in handcuffs due to the possibility of a threat."

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SA Moran explained, "Uh, this motion that he makes, this cross draw with his right hand and this motion, um, I mean, I think you touched on it but I have, I have, like did he actually get the hand up out of like the waistband area or was it, was it just on the waistband area? I don't know if I was clear on that." Officer ██████ responded, "So I saw him, um, he, he like grabbed down towards the left side and then pulled up. I, I couldn't tell exactly if he grabbed something so that's why when I heard that shot, I, I knew like he, he did grab something and he shot at me."

SA Moran then asked, "In your training and your experience, um, do you know of any other reason why anyone would make that sort of, uh, maneuver, um, you know, pulling something from that waistband area?"

Officer ██████ stated, "Other than to present a firearm or pull out a firearm, no." SA Momchilov asked Officer ██████ if she knew how far away she was from the individual at this point. Officer ██████ responded, "I don't know exactly how far I was from him though. I mean, maybe, I if had to guess, um, 20 feet."

SA Moran asked Officer ██████ if she knew where she was positioned in the V formation. Officer ██████ stated she believed she was in the middle area of the V and that the individual was right in front of me. Officer ██████ then stated, "So that, yeah, that's why when he, he did that action of the cross draw and pulling his arm up and I heard that, that's why, specifically, I thought he shot at me and I, I ducked out of the way and then, um, you know, I went to the side. There was also another officer that had crossed in front of me. I didn't know that really at the time, um, but I did know I had to get up to be with those other officers."

SA Moran asked what Officer ██████ felt was going to happen to her or the other officers. Officer ██████ stated, "I thought I was going to die."

SA Momchilov stated, "Now, I believe you said what caused you to stop firing was the officer yelling cease fire." Officer ██████ responded, "I heard that and then, I, I was able to see that he was now down on the ground." Officer ██████ continued, "And I didn't, at that time, um, er, uh, I wasn't certain that he, obviously, was shooting back at us because he was on the ground, so and I didn't see that motion."

SA Momchilov then stated, "Some might say that 10 or 11 shots is excessive, what would your response to that be?" Officer ██████ stated, "I mean, we were trained to shoot until the threat is gone and that's, that's exactly what I did."

Officer ██████ was asked if she knew where her aim point was when she was firing. Officer ██████ advised that her aim point was at the individual's waist, where he was reaching. SA

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Momchilov asked Officer [REDACTED] if she knew if her rounds hit the individual. Officer [REDACTED] responded, "I don't know. I thought they did at the time."

Officer [REDACTED] advised that she believe her actions were consistent with her training. When asked if Officer [REDACTED] felt that the actions of the other officers were consistent with their training she responded, "I don't know at the time because I just saw me and him."

Officer [REDACTED] was asked if she had discussed this incident with the other involved officers. Officer [REDACTED] responded, "A little bit." SA Momchilov replied, "I guess what I'm getting at is did you guys get together and say, make sure you say this or I'm gonna say this or come up with an interview plan?" Officer [REDACTED] responded, "No." Officer [REDACTED] also advised that no one has asked her to lie or otherwise try to influence her statement to investigators.

Officer [REDACTED] stated she has never had any prior contact with the individual, Jayland Walker.

Officer [REDACTED] described the lighting conditions by saying, "The foot pursuit was very dark until we got up into the parking lot where there was a little bit of lighting." Officer [REDACTED] stated she did not turn on her flash light or her weapon mounted light.

SA Moran asked Officer [REDACTED] if her pistol was in her hand, outside of the holster, when she exited the cruiser. Officer [REDACTED] advised that it was.

SA Moran then asked, "Do you, did you, do you think you came up from a low ready or do you remember the position you came up to fire from? Officer [REDACTED] responded, "I was running and then I, I think there was somebody in front of me so I don't believe I had it up as he did his turn, but when he, it, it happened so quick, but when he raised his arm up and I heard that shot and I ducked down, I think I ducked my gun down as normal when we move in training. And then that's when I came up on the line."

Attorney Will stated, "Yeah, so [REDACTED] can you, I want you to just go back and, and, and explain a little bit about what you were feeling and what you were thinking when you heard that first gunshot, had personally, you know, how did, how, how did you feel at that moment in time?"

Officer [REDACTED] responded, "Um, what I did when we crossed over into that parking lot and I, I, we were kind of spread out and I saw him, I, I thought he would keep running and then he slowed down and when he turned like that, um, like I said, it's not normal for somebody to do that so I, I didn't know what to expect but I would, I already had reason to believe that he had a firearm on him so when he turned and did that action of the cross draw and then raised his arm up, um, it, it all happened so quick and then I heard the shot and I, I mean, I, I thought I was going to die. I thought he shot at me. I, I was in fear for my life as well as officers that I knew

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were around me. I couldn't necessarily see all of them at that time um, because I, I was, I was so scared that he, he shot at me and then I, I ducked out of the way thinking that if he did it again, I wouldn't be in that same spot and then, um, yeah, I mean, I, I was just, I was in fear for myself and those oth, the other officers that were around me, specifically in the middle of the V I talk about because the way his body was angled felt like it was in the center.”

After the interview, Officer [REDACTED] was offered a chance to review her body-worn camera footage with her attorney. After viewing the footage, Officer [REDACTED] advised that there was nothing she wanted to add or change.

Officer [REDACTED] was then asked if she watched her body-worn camera footage prior to this interview. Officer [REDACTED] stated she did. SA Momchilov then asked how many times she viewed it. Officer [REDACTED] stated, “Probably three.” Officer [REDACTED] was then asked if she was basing her statement off of her memory or what she observed on the body-worn camera footage. Officer [REDACTED] responded, “Off my memory.” Officer [REDACTED] was asked the positioning of her body-worn camera and she indicated near her lower midsection.

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

7/12/2022 13:52
Date / Time

Signature of Interviewee

Cory Monchillo
BCI Agent (Printed)

[Signature] #164
BCI Agent (Signature)