



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: 7/6/2022
 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 6, 2022, at 1347 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Chuck Moran (Moran) interviewed Akron Police Department (APD) Officer ██████████ (████████), who was accompanied by his attorney, Noah Munyer (Munyer), 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:

Name: ██████████	Rank: Officer (Ofc.)
Badge Number: ██████	Cruiser/Vehicle Number: ██████
Radio Call Sign: Car ██████	Immediate Supervisor: Sgt. Tersigni
Radio Channel Utilized: Normal channel	Mobile Data Terminal: Present & Utilized
Cruiser Description: Ford Explorer, APD markings	Occupants of Cruiser and Seating Positions: Officer ██████████ – driver and Officer ██████████ – front seat passenger
Assignment: Patrol – District 2 (North Hill area of Akron)	Normal Shift: 1900-0330 hours
In-Car Camera: Not Present	Spotlight: Present; Not utilized

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



2022-1356

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

Emergency Lights: Present & Utilized	Siren: Present & Utilized
Shift Day of Incident: 1900-0330 hours	Duty Status: On-Duty
Days Off: Weeks consist of 4 days working, 2 days off, rotate days off every week	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: 8-10 hours, "average"	Consider Self Well Rested? Yes
Total Length as Officer: 2 ½ years	Length at Current Agency: 2 ½ years at APD
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Navy blue polo shirt with APD patches on sleeves, outer vest carrier with name and "police" on it, uniform pants, black boots, considered himself clearly identifiable as and APD officer	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Vest – Taser, radio, handcuffs, tourniquet, body-worn camera (affixed to center line, middle chest). Belt – pistol, extra magazines.
Ballistic Vest: External Armor	Body Worn Camera: Present & Used
Other Recording Devices: None	Partner: Officer [REDACTED]
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Breathalyzer operator	OPOTC Certification: Current, attended Akron PD academy in 2020
Military Experience/Training: None	Use-of-Force Training: During in-service training, within last 6 months
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: None
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None
	Last Consumed Alcohol Prior to Incident: Did not recall (not before or during shift)

Officer's Firearm(s):

Weapon #1

Make: Glock	Model: 17
Caliber/Gauge: 9 mm	Serial: [REDACTED] (from BCI CSU report)
Type: Semi-Auto Handgun	Method of Carry: 1 round in chamber
Magazine Capacity: 17	Total Rounds as Carried (including

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



2022-1356

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

	chamber): 69 = 1 round in chamber, 17 rounds in each of 4 magazines
Extra Magazines: 3 extra, 1 in pistol = 4 total	Number of Rounds in Extra Magazines: 17 rounds each in 3 extra magazines = 51
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 51	Number of Rounds Fired: 18
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: During last in-service, within last 6-12 months	Type of Holster, if any: Unknown retention level, Blackhawk with "hood"

Narrative:

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

Officer [REDACTED] said he was working with Officer [REDACTED] in Car [REDACTED] in the "North Hill" area of Akron. They saw a vehicle that had a "cracked" taillight with a black male driver on North Howard Street and Tallmadge Avenue. The driver turned the vehicle eastbound onto Tallmadge Avenue. The officers checked the license plate on their in-car computer (Mobile Data Terminal or MDT) "based on the plate light and taillight." The vehicle license plate showed "no warrants associated" and the black male owner had a "valid" license. Officer [REDACTED] explained, "But, it did have attached notes that it, the car was involved in a chase in some other neighboring jurisdiction, but it said possible a white male driver was during that."

Officer [REDACTED] said the vehicle entered State Route 8 southbound, as they were behind it. Officer [REDACTED] explained that he "normally" does not perform traffic stops on the highway because it was "not safe" for him or "anybody else." Officer [REDACTED] stated, "So, I let the car go. Didn't really think much of it. Didn't really care too much about the taillight. So, I continue on Tallmadge, but I did think to myself if the car was trying to get away from us since it was involved with the chase that uh, he might circle back to the same spot we saw him at originally at North Howard and Tallmadge. So, I do a big loop from Tallmadge to Glenwood and then Glenwood to North Howard."

Officer [REDACTED] continued, "I go to North Howard and Tallmadge and now I am in the left-hand turn lane and I see the same vehicle with the same plate with the same broken taillight and plate light, pull up right next to us and then turn right on east Tallmadge Avenue just like he did before. I saw a black male driver in there. Um, we get behind the vehicle and I am deciding to do

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



2022-1356

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

a traffic stop on the vehicle for the suspicious activity of the route he took and the plate light. Um, we do our lights and sirens at about Tallmadge and Thayer Avenue and the vehicle does not come to a stop. It continues to drive, ignores our lights and sirens. Um, I'm now thinking that he's going to run. Um, he continues to go, this is turning into a pursuit, I'm now believing this is the same guy that ran from the other jurisdiction. Um, he's still going eastbound on Tallmadge so I hand the radio over to my partner, lights and sirens are activated, a pursuit is initiated."

Officer [REDACTED] continued, "Things are a little more serious now because it's a pursuit. He's approaching Route 8 south like he did previously, so I'm thinking he's probably going to get on the highway just like he did to get away from us and then most likely the pursuit would end quickly after that 'cause the highway's not a safe place to chase cars 'cause usually the speeds get too fast especially for a plate light and a taillight."

Officer [REDACTED] continued, "As we're on the Route 8 south bridge following him, I hear a loud pop and see the muzzle flash. I, kind of am in shock. I didn't um, expect that. I say, 'Shots fired,' to my partner and he calls out a 'Signal 21' which means emergency radio traffic, we need help, this is a big deal, we just have been shot at. He continues on Route 8 south, I kind of don't know, I've never been shot at before so I didn't know exactly what to do. So, I decide to follow him still and pursue him, but I'm staying farther back than I normally would um, just so that he can't shoot at me or continue to shoot out the windows and maybe strike any other cars."

Officer [REDACTED] explained that the vehicle pursuit continued on State Route 8 south and other APD cruisers were "in the area" because they radioed a "Signal 21" indicating that they needed help. Officer [REDACTED] said APD Car [REDACTED] entered the highway and moved in front of their cruiser and were "really close" to the subject's vehicle. Officer [REDACTED] said it was "pretty frightening at the time" because the subject "already shot at us and their in the line of sight of him."

Officer [REDACTED] said he sped up to be closer to APD Car [REDACTED] and then the subject exited the highway at Archwood Avenue. The subject led the pursuit through multiple side streets in the Firestone Park neighborhood after exiting the highway. Officer [REDACTED] stated, "I remember thinking, 'This is probably going to end here soon.' 'Cause usually when cars in chases are going through side streets the person's looking to stop, jump out of the car and bail, or they could wreck. Um, I don't know what he's going to do when he gets out of that car since he already shot at us. I'm assuming he's going to continue to shoot at us. I know he has a gun. I want to get that gun."

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



2022-1356

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

Officer [REDACTED] said the subject drove through more streets and turned westbound on Wilbeth Avenue. Officer [REDACTED] saw that South Main Street was “blocked off by cruiser.” Officer [REDACTED] stated, “He has nowhere else to go. This is going to end here. Uh, I know, I see his car comes to somewhat of a stop. I see Car [REDACTED] and the two officers in there, get out of the car and run up to the car. I put my car in park and me and my partner get out and run up to the car. Uh, I’m running up to the car, I have my gun out because I know he has a gun. He already shot at me. I don’t know where the gun is. I’m trying to see his hands, I want to see his hands, I want him out of the car. I’m trying to get him into custody because he’s a danger to us and now he’s a danger to others since he’s in a neighborhood.”

Officer [REDACTED] continued, “Um, uh, he’s not listening to any verbal commands. He, the car is actually still slow rolling ‘cause he never put it into park. So, he hops out of the passenger side of the vehicle. I now see that he is wearing a ski mask now. He runs, he continues to run through the yard of the Bridgestone building where his car kind of came to a stop on Wilbeth um, his hands are down by his waistband (Officer [REDACTED] moved his hands inward, toward his center, and downward). Uh, he’s looking back multiple times at officers in different directions. Um, two Tasers are deployed. I don’t know who shot them, but neither of them worked. I did not shoot it.”

Officer [REDACTED] continued, “Um, he’s running. I’m running after him. I’m not very fast, but I’m getting closer to him because he’s slowing down at this point. He then, still has his hands by his waistband. He slows down uh, turns around, and pulls his hand from his waistband quickly in the motion that you would if you’re drawing a firearm, and points it at officers. I then raise my firearm and begin to shoot.”

Officer [REDACTED] continued, “After I’m done shooting uh, he’s on the ground. I have, I had tunnel vision during the shooting. I didn’t know exactly where I was standing when I was shooting and then I looked and he was on the ground. I uh, made sure that he was secured by some other officers uh, handcuffed him. I then walk away and have another officer that was there check me to make sure I wasn’t shot ‘cause I couldn’t even feel anything, I didn’t know if I was hurt or not. I then walk away and I’m sequestered.”

SA Momchilov asked Officer [REDACTED] about what he was thinking after he saw the subject’s vehicle the first time, checked the license plate, and then when the subject’s vehicle returned to the same area and if it was “bizarre.” Officer [REDACTED] confirmed that it was bizarre because “he did a full loop.” He explained, “It’s not normal behavior. Plus with the car being involved in a chase it seemed like he was trying to get away from us the first time.”

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



2022-1356

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

SA Momchilov asked if North Howard Street was a “high crime area.” Officer ██████ responded, “Yeah, to a point. Certain areas around it. There’s some streets that shoot off of it, yes.”

SA Momchilov asked Officer ██████ about what he meant when he said that the pursuit would have likely ended when it began to enter State Route 8 south and if he would have ended it or if a supervisor would have ended it. Officer ██████ replied, “Either or. We can, if it would have got to a dangerous speed and we felt ourselves that it was too dangerous we would call it off, or if a sergeant for us, wanted us to stop he would call it off. It would be terminated.”

SA Momchilov asked Officer ██████ to describe exactly what he saw when he observed the “muzzle flash” and if it was aiming out the window or backward toward the cruiser. Officer ██████ answered, “It was out the window and it was aiming backwards towards our car.” Officer ██████ said he did not see where the bullet might have hit or impacted.

SA Momchilov asked Officer ██████ to “elaborate” about how the gunshot “changes things.” Officer ██████ explained, “Uh, that now turns this into a way bigger situation. It is now, this male is firing from his vehicle, it’s unsafe for us, he’s trying to shoot at us, trying to kill us potentially, and now he’s endangering everybody else that’s on the highway nearby because his bullets could hit them.” SA Momchilov asked Officer ██████ if he had ever been shot at before. Officer ██████ answered, “No.” SA Momchilov asked Officer ██████ how being shot at made him feel. Officer ██████ responded, “Yeah, I had a big adrenaline dump and I was kind of in shock. I wasn’t, I couldn’t believe it happened.”

SA Momchilov asked Officer ██████ if he had ever been in a vehicle pursuit before. Officer ██████ said he was involved in “three or four” vehicle pursuits in the past. SA Momchilov asked Officer ██████ if he could explain how this vehicle pursuit was different. Officer ██████ stated, “Um, it was way more serious because I’ve never had anyone in a pursuit shoot a gun at me or any other officers.” SA Momchilov asked Officer ██████ if it was possible that the subject fired more than once. Officer ██████ responded, “I only saw one and heard one.” SA Momchilov asked Officer ██████ if there was “any doubt” that it was a gunshot. Officer ██████ answered, “There’s no doubt. I knew what it was.”

SA Momchilov asked Officer ██████ about the moments when the subject exited the vehicle through the passenger side as it was rolling slowly. Officer ██████ said, “Yeah, he climbs over and jumps out the passenger side. I was on the driver’s side.” SA Momchilov asked, “You said you saw him wearing a ski mask, would that be unusual in your experience?” Officer ██████

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



2022-1356

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

answered, "Yes." SA Momchilov asked, "What did that lead you to, did you draw a conclusion, if any, from that?" Officer ██████ answered, "He's concealing his identity for some reason." SA Momchilov asked Officer ██████ if he had any training and experience with people who conceal their identity and what their intentions or motives are. Officer ██████ answered, "To commit a crime and not be identified." SA Momchilov asked Officer ██████ if he yelled verbal commands during the incident. Officer ██████ responded, "Yes. I yelled some verbal commands when I ran up and he was in the vehicle." SA Momchilov asked if the situation was "heightened" because the subject was wearing a ski mask. Officer ██████ answered, "Yes."

SA Momchilov asked about the distance between Officer ██████ and the subject as they were running and the subject started slowing down. Officer ██████ responded, "15, 10 feet, and it's getting closer. Yeah, pretty close." Officer ██████ confirmed that he has been involved in foot pursuits in the past. SA Momchilov asked, "Do people that you're chasing usually slow down?" Officer ██████ replied, "Not at that, we weren't very far from the car, so not at that distance. They're usually picking up pace." SA Momchilov asked, "Did you find that to be unusual?" Officer ██████ answered, "Yes."

SA Momchilov asked Officer ██████ if the subject turned around during the foot pursuit. Officer ██████ answered, "Yes. He looked back twice. At least." SA Momchilov asked Officer ██████ if the subject fully turned around at those times. Officer ██████ replied, "Not at that point. He just, was just looking over his shoulders at us. His, I mean, his body was blading a little bit, but it wasn't a full 180." Officer ██████ said the subject "was already at his waistband" when he fully turned around. He explained, "His hands were, (at his waistband) when he was running, facing away from us, and then he turned around and drew from the waistband and extended his arm." SA Momchilov asked Officer ██████ to demonstrate what he observed the subject doing. Officer ██████ stated, "His hands were down by his waistband (Officer ██████ placed both hands near the front of his waistband). He's running. He turns completely around and fully extends his left arm (Officer ██████ raised his left arm/hand up from his front waistband and extended it fully outward at about shoulder height) and points it out. Just like that. And it was quick too." SA Momchilov asked Officer ██████ if the subject was running or was stopped when he made that motion. Officer ██████ said, "He may have been moving a little bit, but he was pretty much stopped." SA Momchilov asked, "And you said that's what made you decide to fire?" Officer ██████ answered, "Yes."

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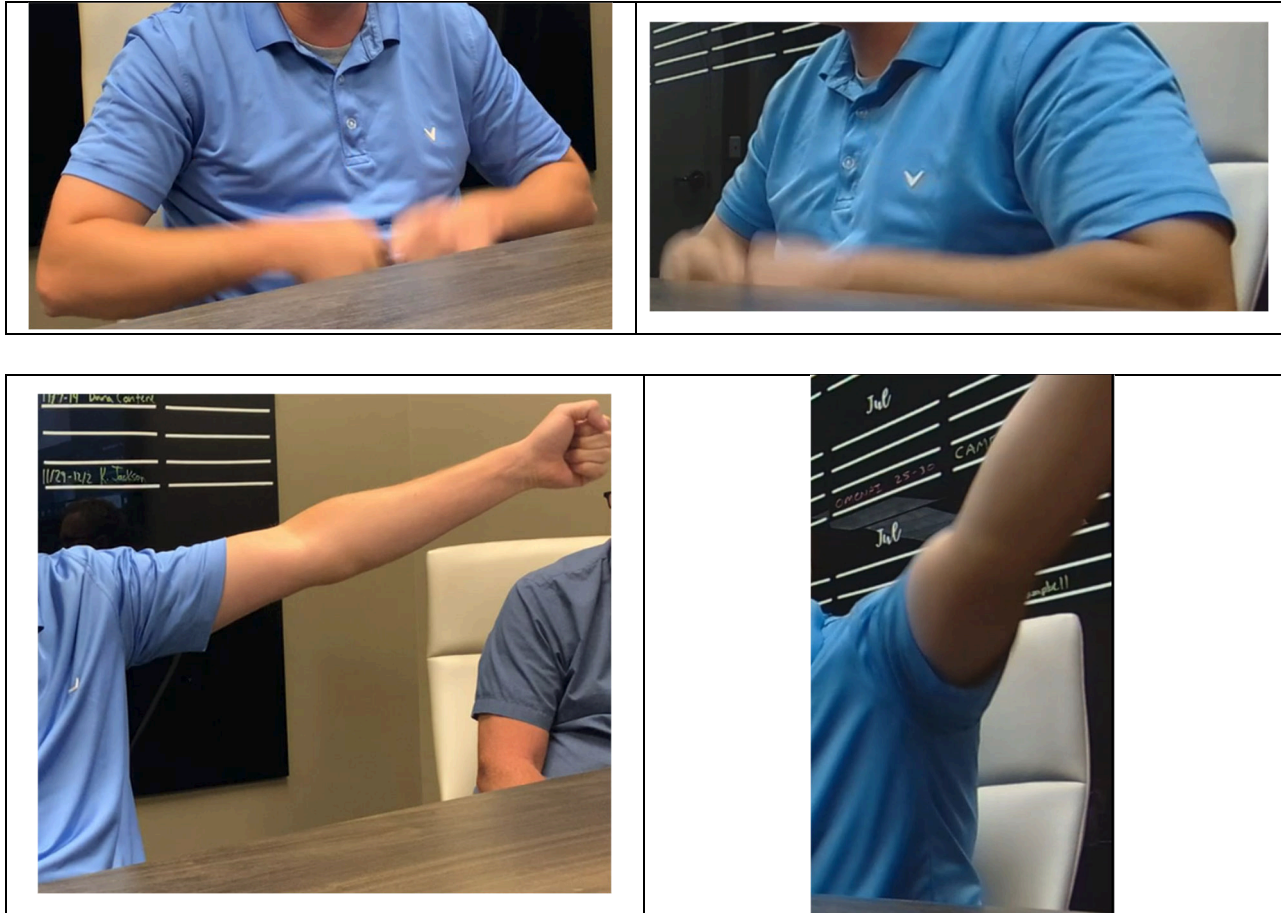
Ohio Attorney General's Office
Bureau of Criminal Investigation
 Investigative Report



2022-1356

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

Still images of the movements described and demonstrated are shown below:



SA Momchilov asked Officer [REDACTED] if he saw anything else when the subject fell to the ground. Officer [REDACTED] responded, "Yeah. He was still moving. He was still on the ground. His hands were still near his waist when he was still moving." SA Momchilov asked Officer [REDACTED] if he recalled how many shots he fired during the incident. Officer [REDACTED] stated, "I know I shot all of the rounds in my magazine. So, it would be 18." SA Momchilov asked Officer [REDACTED] if he heard other gunshot around him. Officer [REDACTED] answered, "Yes." SA Momchilov asked, "Do you know where those were coming from?" Officer [REDACTED] replied, "I did not at the time. I mean, I assume some were from officers, but I thought he was shooting too."

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



2022-1356

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

SA Moran asked Officer [REDACTED] about the “notes” on the MDT about the pursuit in another jurisdiction and if that was during the first time he saw the subject’s vehicle or the second time he saw the subject’s vehicle. Officer [REDACTED] said that was during the first time he observed the subject’s vehicle. SA Moran asked Officer [REDACTED] if he recalled any specific details from the note. Officer [REDACTED] said he did not read the note, but his partner did because he was operating the computer. Officer [REDACTED] recalled his partner telling him that the vehicle was involved in a chase recently with a neighboring jurisdiction, possibly New Franklin, and the notes possibly mentioned a “white male driver.” SA Moran asked Officer [REDACTED] if the person driving the vehicle did anything else inside the car when he saw it both times. Officer [REDACTED] answered, “No.”

SA Moran asked Officer [REDACTED] if he remembered the approximate location of where he saw the muzzle flash and heard the gunshot. Officer [REDACTED] replied, “I believe we were still on the Route 8 bridge. He may have been at like, the end of, or not the bridge, the ramp, getting on to Route 8 south from Tallmadge, and he may have been still on the ramp or just kind of merging.”

SA Moran asked Officer [REDACTED] if the male subject had a ski mask on when he saw him driving the first time and/or the second time he saw him driving. Officer [REDACTED] responded, “No, I didn’t see one. He drove by kind of quick, but I didn’t see one.”

SA Moran told Officer [REDACTED] that he mentioned experiencing “tunnel vision” during the incident. SA Moran asked Officer [REDACTED] if he experienced any other “perceptual phenomena” during the event. Officer [REDACTED] stated, “I mean, my adrenaline, my heart was racing. My adrenaline was going. I’ve never felt it like that honestly. Um, and then uh, then afterwards I was shaking and breathing real heavy.”

SA Moran asked, “When he extended his left hand when the foot pursuit is slowing down , and he turns and extends his left hand, could you see anything else other than that motion?” Officer [REDACTED] answered, “I just saw the motion.” SA Moran asked, “And that motion was consistent with what in your training and experience?” Officer [REDACTED] answered, “Him pulling a firearm.”

SA Momchilov asked Officer [REDACTED] about the lighting conditions during the foot pursuit. Officer [REDACTED] said he did not recall using a flashlight, but the nearby street had lights and the parking lot had some lights. Officer [REDACTED] stated, “It was still dark out, but it was enough to see him, but it wasn’t the best lighting honestly.” Officer [REDACTED] said he did not hear the

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



2022-1356

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

subject say anything during the incident. Officer [REDACTED] heard other officers providing verbal commands.

SA Momchilov asked Officer [REDACTED] if he knew where his rounds hit or what his aimpoint was. Officer [REDACTED] said he was not sure where his rounds hit, but he was aiming at "him" and likely at center mass.

SA Momchilov asked, "At the time of the shooting, did you perceive you had any other option other than to use deadly force?" Officer [REDACTED] answered, "No."

SA Momchilov asked, "Did you fear for your safety and the safety of other officers as well?" Officer [REDACTED] answered, "Yes."

Officer [REDACTED] said he believed that his actions were consistent with his training and experience.

SA Momchilov asked, "Did you make any statements to any other officers? You said you were sequestered. Did you, I guess what I'm getting at, did you guys all get together at some point and say, 'Well, I'm going to say this and you say this.'" Officer [REDACTED] answered, "No." SA Momchilov asked, "Have you had any conversations with any of the involved officers afterwards, I mean, until today?" Officer [REDACTED] responded, "Yeah, I've seen them." SA Momchilov asked, "Did you guys discuss what happened in detail?" Officer [REDACTED] responded, "Just, what we saw." SA Momchilov asked, "Did anyone ask you to say something?" Officer [REDACTED] replied, "No. Nobody's tried to like, corroborate." SA Momchilov asked, "Has anyone asked you to lie or otherwise tried to influence your statement to us today?" Officer [REDACTED] answered, "No."

SA Momchilov asked Officer [REDACTED] if had any previous encounters with the subject, Jayland Walker, or if his name was familiar. Officer [REDACTED] answered, "No."

SA Momchilov asked Officer [REDACTED] if he knew if anyone tried to render medical assistance to Jayland Walker after the incident. Officer [REDACTED] said other officers were administering medical aid and were possibly preparing cruisers to transport him, but the ambulance arrived.

SA Momchilov asked Officer [REDACTED] about his body-worn camera video. Officer [REDACTED] confirmed that he watched it one time. He saw the "end of it on the news" but he did not continue watching it. SA Momchilov asked, "Your statement today, is it based upon your

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



2022-1356

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

memory of what happened or is based on what you saw in the dash camera, or, I'm sorry, the body camera?" Officer ██████ answered, "My memory of what happened."

SA Momchilov asked, "I guess one question that people are going to bring up is the 17 rounds, or the 18 rounds you fired, is there, I know it's tough to, to go back and you said you went through tunnel vision and the shots fired, what prompted you to keep firing? Or what prompted you to stop firing?" Officer ██████ replied, "He was still moving. There was still a threat. I didn't know where the gun was. He was on the ground, he was still moving and even after I stopped firing his hands still raised." SA Momchilov asked Officer ██████ if there was any training he received to deal with a threat or decide to fire. Officer ██████ answered, "Just to fire until the threat has been stopped."

Attorney Munyer asked Officer ██████ if he knew where the gun was when Jayland Walker exited the car and ran on foot. Officer ██████ answered, "I did not. I was on the driver's side so I'm seeing his back because he's beginning to climb over the seat." SA Momchilov asked, "As he's running could you see his hands at all?" Officer ██████ answered, "No. Not until he raised his arm." SA Momchilov asked, "Could you tell when he raised his arm whether or not his hands were empty or they had a gun in it? Or was it just based on the motion?" Officer ██████ responded, "Based on the motion is when I began firing. It was very fast." SA Momchilov asked, "Based on your training and experience, is there any other reason why somebody would make that motion in the course of dealing with the police?" Officer ██████ answered, "No."

SA Moran asked Officer ██████ about the formation that the officers made during the foot pursuit and where he was located. Officer ██████ said he was to the "left" of most of the officers. SA Moran asked Officer ██████ if he was positioned on the left side, midline or right side of the subject while they were running. Officer ██████ stated, "His left side." SA Momchilov asked Officer ██████ if he could tell what the other officers were doing. Officer ██████ answered, "I knew that they were running after him." SA Momchilov asked Officer ██████ if he could tell what the other officers were doing when he decided to start shooting. Officer ██████ answered, "No." SA Momchilov asked Officer ██████ "Did you base your shooting on what other officers were doing?" Officer ██████ answered, "No." SA Momchilov asked, "So you, would it be fair to say you made your own independent judgment to decide to fire?" Officer ██████ answered, "Yes." SA Momchilov added, "I guess it wasn't based on, I guess it's sometimes called 'sympathy shots?'" Officer ██████ answered, "No. I made my decision."

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



2022-1356

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

The first segment of the recording ended and BCI agents left the room so that Officer [REDACTED] could review his body-worn camera video.

At 1437 hours, BCI agents re-entered the room and a second segment of the recording began with the same parties in the room.

SA Momchilov asked Officer [REDACTED] if there was anything he wanted to add or clarify after watching his body-worn camera video. Officer [REDACTED] stated, "I just want to add I mean, every time watching it sucks. It's scary. My heart is racing. Um, when I hear that shot, you can hear it in the video, when he shot at us when we were on the ramp, I uh, saw that I like, I'm driving with one hand at that time, and then you see me like shift my body weight like, frantically, and then like, during the whole pursuit I'm kind of 'white-knuckling' the steering wheel and my hands are like shifting in weird ways just from like, adrenaline."

Officer [REDACTED] continued, "Um, he makes his way, when he makes his way though the uh, off the highway and into like, the neighborhoods, I noticed that he was running a bunch of red lights and stop signs while he was trying to get away from us, which is a very big danger to that area because it's just a residential neighborhood that he was in and um, when we're getting close to the end and I saw all the cruisers lined up that were blocking Main Street, and uh, I took my seatbelt off in preparation for it before we even stopped the car 'cause I was assuming that this was about to end here. Um, I did have a flashlight on my gun but, and it was on. I did not remember that at the time. Um, but I wasn't using it while I was running because it's, my hands are moving so it wasn't actually pointed at him and I was on the left side of him." Officer [REDACTED] added, "Yeah, it wasn't really effective."

Officer [REDACTED] stated, "And when he got out of the car, the way he got out of the car and I saw that he had a ski mask on, his body was still turned away from me so I never saw his hands then. And then the scariest and the biggest thing is once he raised his arm and I began shooting, I got that tunnel vision, and I began shooting, and watching the video it freaks me out every time of how close I was to shooting Officer [REDACTED] 'cause I didn't even know he was standing in front of me. SA Momchilov asked, "Do you think that's based on the tunnel vision you had?" Officer [REDACTED] answered, "A hundred percent, yes. 'Cause if I didn't, I wouldn't have done that. It goes against all of our training to shoot behind somebody."

SA Momchilov asked about the highest speed(s) during the pursuit. Officer [REDACTED] estimated the highest speed to be "maybe 80" miles per hour and that occurred while they were on State Route 8.

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



2022-1356

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

The interview concluded at approximately 1441 hours.

Reference Items:

The video recordings were submitted to the BCI case file 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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Page 13 of 13

Supervisor Approval: SAS David Posten #6

8/30/2022 12:39 PM



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

7/6/22 1344
Date / Time


Signature of Interviewee

Cory Momchilew
BCI Agent (Printed)

 #64
BCI Agent (Signature)