



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: July 6, 2022

Authoring Agent: Special Agent Cory Momchilov #64

Narrative:

On Wednesday, July 6, 2022, at 1454 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 his attorney, Attorney Malarcik, 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: [REDACTED]	Cruiser/Vehicle Number: Car [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; Not Used
Cruiser Description: Ford Explorer, APD markings	Occupants of Cruiser and Seating Positions: 2 Officer [REDACTED] driving, Officer [REDACTED] passenger
Assignment: Patrol-District 10	Normal Shift: 1900-0330 hours
In-Car Camera: Not Present	Spotlight: Present; Not utilized
Emergency Lights: Present & Utilized	Siren: Present & Utilized
Shift Day of Incident: 1900-0330 hours	Duty Status: On-Duty

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Days Off: Weeks consist of 4 days working, 2 days off, rotate days off every week. Officer [REDACTED] was working day 4 of 4.	Prior Overtime or Extra Details within Preceding 48 Hours: No
Hours of Sleep Prior to Incident: 7 to 8 hours	Consider Self Well Rested? Yes
Total Length as Officer: 4 years	Length at Current Agency: 4 years
Physical Disabilities (to include hearing aid): No	Corrective Lenses: No Corrective Lenses
Uniform Worn: Standard Akron Police Department blue uniform, APD patches on both arms, with "POLICE" on back of vest	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Pistol, spare magazine for rifle, Taser, O.C. spray, 3 handcuffs, knife, body-worn camera, tourniquet, radio and spare pistol magazines
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: Kent State Police Academy-2018
Military Experience/Training: U.S. Army-4 years active, 4 years national guard-Intelligence Analyst	Use-of-Force Training: Policy Review during in-service, Fall 2021
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: Possibly, Wednesday, June 22

Officer's Firearm(s):

Weapon #1

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

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	chamber): 52 = 1 round in chamber, 17 rounds in each of 3 magazines
Extra Magazines: 2 extra-1 in pistol = 3 total	Number of Rounds in Extra Magazines: 17 rounds each in 2 extra magazines = 34
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 34	Number of Rounds Fired: Officer ██████ stated he fired 18 shots. 18 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: Fall 2021	Type of Holster, if any: Department issued, level 3 retention

SA Momchilov asked Officer ██████ if he could explain the incident. Officer ██████ advised the he and his partner, Officer ██████ were working Car ██████ and they were in their assigned district. Officer ██████ explained that he heard another car broadcast over the radio a traffic stop that eventually lead to a pursuit. Officer ██████ advised that the pursuit was too far north of them, so he and Officer ██████ decided, "We weren't gonna be going anywhere near this pursuit until the Signal 21 came out." Officer ██████ advised that he and Officer ██████ decided to head toward the pursuit because "Signal 21 means officer needs help."

Officer ██████ explained, at that point, he heard the pursuit get onto Route 8 south, which was toward Officer ██████ and Officer ██████'s location. Officer ██████ and Officer ██████ then proceeded toward Main Street and then entered 76 East, heading toward Route 8. Once at Route 8, Officer ██████ advised he heard that the pursuit was going through the central interchange. Officer ██████ explained that at the central interchange, construction was being performed. Officer ██████ stated that they were on the right side of the concrete barrier and were able to see the "suspect vehicle" pass them on the left. Officer ██████ advised that upon that vehicle passing them, they were unable to see another cruiser in close proximity. Officer ██████ stated that he and Officer ██████ looked behind them and observed a cruiser approximately 100 yards to the rear. Officer ██████ stated that he and Officer ██████ made the decision to get behind the fleeing vehicle. Officer ██████ also stated that another cruiser was right in front of them, but it appeared that that cruiser "overshot the suspect."

At this point in time, Officer ██████ stated, "We called out over the radio that we were gonna be the primary pursuing vehicle." Officer ██████ handed Officer ██████ the car mic and Officer ██████ began calling out the pursuit. Officer ██████ stated, "The suspect then made the

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decision, which I believe due to the fact that there was a car in front of him, to quickly get off at Archwood. Uh, at that point in time, I continued to call out our direction of travel, the streets that we were on, his speeds. Uh, we went over several other streets until we hit Wilbeth.” Officer ██████ advised once on Wilbeth, he was able to see other cruisers at the corner of Wilbeth and Main Street in a possible blockade-type formation.

Officer ██████ stated, “As soon as, uh, he saw that, we believe that the suspect realized that he was getting boxed in at that time, and he started to slow down the vehicle. Upon slowing down the vehicle, I exited the passenger side, and my partner exited the driver's side. Uh, we approached the vehicle, were able to see that he was reaching all around, looked like he had his, his butt in his seat and was reaching all around to the center console, to the glovebox and the passenger seat. Uh, I saw another cruiser attempt to, uh, block his vehicle in by putting their cruiser up to the driver's side door. Uh, we began to shout at him to stop what he was doing, stop the vehicle, 'cause it was still rolling along, and exit the vehicle with his hands up. At this point in time, he exited the vehicle on the passenger side of the vehicle and began a foot pursuit, with us. Uh, during the foot pursuit, I was pretty close behind him. Uh, I had my firearm out originally. I put my firearm down to my righthand side, and I pulled out my Taser. I was able to hear two other Tasers go off. I believe one was on my left-hand side, and one was on my right-hand side. Uh, I did not fire my Taser. Um, upon getting into the parking lot, I witnessed the suspect slowdown from a dead sprint into a jog. I saw him pull both of his hands towards his stomach and to his waistband area. Uh, the suspect then came to a complete stop and made an abrupt turn at us into a firing position and pulled one hand up, pointed it towards us, and at that point in time, I dropped my Taser, I moved to the right, and I pulled out my firearm, and beginning to shoot.”

At this point in the interview, agents began to ask Officer ██████ follow-up questions.

SA Momchilov asked, “Did you hear the initial traffic stop, radio traffic, about them trying to pull over the car, or were you on a different channel?”

Officer ██████ replied, “So, even though that we were on a different channel, uh, our car cruiser, like that, we keep the main channel that we're on in there, but the channels on our bodies we keep on the secondary channel so we can always hear what's going on in the entire city. So, yes, I did hear that.”

SA Momchilov then asked Officer ██████ if he heard anything alarming during the initial attempted traffic stop/pursuit. Officer ██████ replied, “Yes. So, the beginning of the chase, like I said, we said we were not going into this chase because of how far away it was; however, they called out the Signal 21, that they had heard the gunshot and saw what appeared to be, uh,

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uh, a gunshot at them. Um, they had announced over the radio that this suspect had fired a shot, and that's what made the decision for us to try to get involved in this.”

SA Momchilov asked if when a Signal 21 is called out, are officers required to respond. Officer [REDACTED] advised that it is not required but, “It's just we were going to go because officers needed help, and they were heading in our direction.”

SA Momchilov asked Officer [REDACTED] if he recalled what the individual was wearing when he exited the vehicle. Officer [REDACTED] stated, “Uh, it looked like he was wearing a ski mask, and it appeared that he was wearing a hoodie. I was unable to tell his, his gender, his, his, uh, you know, his race or age or anything like that. It was just, almost his entire body was covered in some sort of clothing.”

SA Momchilov then asked, Officer [REDACTED] if based on his training and experience, if someone is wearing a ski mask changed his perception of the situation. Officer [REDACTED] replied, “Yes and especially in the middle of the night because they're trying to hide their face for some sort of reason.”

SA Momchilov then asked, “What typically is a reason?” Officer [REDACTED] stated, “They don't wanna be caught by the police. They, they're up to some sort of criminal activity.”

SA Momchilov asked, “Um, as you're chasing him, does, can you see his hands? Could you see what kinda movement he's making?” Officer [REDACTED] replied, “I cannot, uh, until the very last moment when I said he slowed down, and I saw both of his hands reaching towards his waistband. With my training and experience, I know that people like to carry appendix, they carry it right on the front-hand side. It looked like he had reached towards that front-hand side and then turned towards us and stuck out one of his arms towards us.”

Officer [REDACTED] was then asked if he could demonstrate the motion he stated the individual had made; Officer [REDACTED] agreed.

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Officer ██████ stated, "I saw him reach in like this."



Officer ██████ continued, "and then I saw him turn towards us in a manner and with his arm extended."

SA Momchilov asked Officer ██████ if the motion that he just demonstrated lead him to believe something? Officer ██████ replied, "Yes, due to the fact that officers had already called out the fact that he had fired a round, the fact that we knew he had a firearm, and his actions made me perceive that he was pulling out a firearm to shoot at us."

SA Momchilov then asked Officer ██████ if he could see the individual's hands or if he was reacting to the movement the individual was making. Officer ██████ replied, "I could not see his hands. I just knew that, his exact movements, and no normal person makes those movements unless they're going to present themselves like they're shooting a firearm." SA Momchilov then stated, "So that caused you to begin firing." Officer ██████ replied, "Yes."

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SA Moran later asked Officer [REDACTED] "When he is running from you and then when this encounter happens, are you to his right? Are you on his midline? Or are you on his left?" Officer [REDACTED] replied, "When he immediately turned around, I was directly facing him, and then I moved to the right, so, it would have been to his left."

SA Momchilov then asked Officer [REDACTED] what caused him to continue to fire. Officer [REDACTED] stated, "Uh, in my mind, I was unsure if I was the only person firing or if there was any, uh, anybody else firing, but I heard other gunshots, and with his actions, I assumed that he was shooting at me."

SA Momchilov then stated, "So, you couldn't tell, the other gunshots, who they were coming from?" Officer [REDACTED] stated, "I could not, until I stopped shooting. Uh, I realized that somebody was calling, cease fire and that I had to reload. At that point in time, I was able to tell that other officers were shooting." Officer [REDACTED] also stated that he fired a total of 18 shots.

SA Momchilov asked Officer [REDACTED] if the actions of the other officers involved had anything to do with his decision to fire. Officer [REDACTED] stated, "It did not, um, I thought I was the only person firing, due to his actions. Um, I was directly behind him, and I thought that he was going to be firing rounds at me or anybody else around me. I knew that there was multiple officers in this foot pursuit. I wasn't sure how many people were around us."

SA Moran stated, "So, we talked a lot about, um, the decision to shoot, and then, I think, the continuing, uh, shooting. Whereabout, what made you, uh, stop shooting?" Officer [REDACTED] replied, "I heard the cease fire, Uh, I saw that he was no longer moving. I knew that I did not need to, we're taught to shoot until the, uh, the issue is neutralized, and at that point in time, I knew it was."

SA Momchilov then asked, "What cause you to fire so many rounds?" Officer [REDACTED] replied, "Because I thought he was shooting at me, I heard gunshots going off, but I did not hear people left and right of me shooting. I thought the gunshots that I was hearing was coming from him." SA Momchilov then asked, "Could you see any, was he making any movements?" Officer [REDACTED] replied, "Yes, both of his arms were out, and he was moving on the, moving all around."

At the conclusion of the shooting, Officer [REDACTED] explained that all of the officers formed a line and moved into a tactical formation. Officer [REDACTED] advised, at that point officers began to triage and assess the individual. Officer [REDACTED] stated that there were a lot of people around and due to the amount of people around the individual, Officer [REDACTED] stated that he couldn't do anything further, so he walked away.

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Officer [REDACTED] was asked what the lighting conditions were like. Officer [REDACTED] stated that it was dark and "there was lights in the parking lot, by there was no lights near us that I recall." Officer [REDACTED] stated that he does have a light mounted on his firearm but did not know if it was activated. Officer [REDACTED] stated that he does carry a flashlight but it was not out.

SA Momchilov asked Officer [REDACTED] if he knew the approximate distance he was from the individual when he was shooting. Officer [REDACTED] stated 15 feet or so. SA Momchilov then asked Officer [REDACTED] if he knew how close he got to the individual when he was chasing him. Officer [REDACTED] replied, "I would say 10 feet, just prior to the shooting."

Officer [REDACTED] advised that his aimpoint was at center mass and did not know where his rounds hit.

SA Momchilov asked Officer [REDACTED] if at any point he gave verbal commands. Officer [REDACTED] advised that he did and stated he told the individual to "stop reaching around" to "stop moving the vehicle" and to "put his hands up."

SA Momchilov asked Officer [REDACTED] if he gave any commands during the foot chase. Officer [REDACTED] advised that he does not recall giving any verbal commands at that time but advised that he did hear other officers giving commands.

Agents asked Officer [REDACTED] if he had been involved in any prior foot pursuits before. Officer [REDACTED] advised that he had. Officer [REDACTED] was then asked if there was anything different about this particular foot pursuit. Officer [REDACTED] responded, "This one, his actions were different. I've never seen anybody act like that." Officer [REDACTED] continued, "I've never seen anybody turn towards us and obviously present themselves that they're gonna, uh, shoot a firearm at us. In any other foot pursuit that I've had, they've either stopped, uh, and not moved any further, or we've subdued them in some sorta way, or, unfortunately, lost them in the foot pursuit."

SA Momchilov then asked, "Okay. Now, did you make a comment you believed he was slowing down, uh, during the run?" Officer [REDACTED] replied, "Yes." SA Momchilov then asked if that was typical in a foot pursuit. Officer [REDACTED] replied, "No. Because he was still moving forward, slowing down."

Officer [REDACTED] advised that he does not recall having any prior interactions or contact with Jayland Walker before.

Officer [REDACTED] was asked if had spoken with any other involved officers about the incident. Officer [REDACTED] stated, "Yes." SA Momchilov replied, "Did you guys go into detail about what

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occurred.” Officer ██████ replied, “We did not.” SA Momchilov then stated, “I guess what I'm getting at is did anybody, get together and say, hey, I'm gonna say this, you say this?” Officer ██████ replied, “No.” Officer ██████ also advised that no one has asked him to lie or otherwise try to influence his statement to investigators.

Officer ██████ advised that he believed his actions and the actions of the other officers involved were consistent with their training.

Attorney Malarcik stated to Officer ██████ “Yeah. Just, when you were talking about the, the movements that he was making in the vehicle before he exited the passenger side, what, what did that concern you, if at all?”

Officer ██████ replied, “It concerned me very much because we knew on the radio that he had fired a shot. I wasn't sure where the firearm was at this point in time; so, I wasn't sure if he was looking for it or what he was doing with it.”

Attorney Malarcik then stated, “And when he, when, when Mr. Walker exit, exits the, um, passenger side – Well, let me say it this way. Before he exits the passenger-side door, could you see his hands?” Officer ██████ replied, “I could not. I could just see arms reaching about. I couldn't see exactly what his hands were doing.”

Attorney Malarcik stated, “And, um, I think Special Agent Momchilov asked you about the, what he was wearing and whether it concerned you. You mentioned the mask. Was there anything else that he was wearing that, that, that caused you any concern?” Officer ██████ replied, “His hoodie. Just, summer, it's end of June, it was very warm that night.”

Attorney Malarcik asked, “Okay. All right. Um, can you tell us, uh, what you were feeling after the, um, cease fire when you heard everybody stop shooting?” Officer ██████ stated, “Um, I was, I was concerned. I mean I had kept replaying it inside of my head, wondering if I did the right thing and, um, wondering what was gonna happen at that point in time.”

Attorney Malarcik then asked Officer ██████ if he eventually heard that the individual had died. Officer ██████ stated, “I did.” Attorney Malarcik then asked Officer ██████ if he could discuss that. Officer ██████ stated, “Uh, I gotta admit that it was a little upsetting to me, and I knew that I had just done what I did. Um, you know, I, I have friends who had passed away at that age; so, I know that it was gonna be hard for his family; I knew it was gonna be hard for me and the department at that point in time, so, I definitely had the condolences for what had just happened.”

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SA Moran then asked Officer [REDACTED] if he perceived or know of any other options other than deadly force. Officer [REDACTED] stated, "I did not." Attorney Malarcik then asked Officer [REDACTED] if he could discuss more about when he observed two other officers deploy their Tasers.

Officer [REDACTED] replied, "From what I saw, I saw two officers deploy their Tasers, and I didn't see him falter or move at all when those struck him, or if they did strike him." Attorney Malarcik asked Officer [REDACTED] if that caused him concern. Officer [REDACTED] replied, "Yes. Yeah, because, uh, the Tasers were not stopping him, and we were, uh, running out of options."

SA Momchilov asked Officer [REDACTED] if had an opportunity, after the shooting, to look inside the vehicle that the individual was driving prior to the shooting. Officer [REDACTED] replied, "I did not. As soon as, uh, the shooting had completed, like I said, after we moved up to him, I determined that I was no longer of use due to the many people around him. I walked back, I picked up my empty magazine, and I put it in my pocket. Um, at that point in time, there was a sergeant off to the side who had asked who was involved in the officer-involved shooting. I raised my hand. He then sequestered us, and I didn't talk to anybody else."

Attorney Malarcik stated to Officer [REDACTED] "if you said, this forgive me, but, um, you said, as, I think you said, as you saw him turn around, before you fired your weapon, you stepped to the right?" Officer [REDACTED] replied, "Yes." Attorney Malarcik then asked Officer [REDACTED] if he could explain why he did that.

Officer [REDACTED] replied, "Uh, I was directly behind him. Uh, during our training, we're taught to move off of the X; so, Basically, he's going to fire in the last known position that we are at, and so, I moved to the right in hopes that, if he was firing at me, that it was going to miss me. So, I moved to the right to fire at him."

SA Moran asked Officer [REDACTED] if he could describe the area that the foot pursuit occurred in. Officer [REDACTED] described the area as, "it's curbed, and it started off right at the edge of the street there, and then we went right up into a parking lot. It looked like there were some trees that we ran through, uh, very small trees like, uh, decorative trees, and then we were in the open parking lot."

SA Moran then asked Officer [REDACTED] if there was any cover or concealment in the parking lot. [REDACTED] stated, "There is not."

SA Momchilov asked Officer [REDACTED] if had been involved in any prior vehicle pursuits. Officer [REDACTED] stated that he had. SA Momchilov then asked Officer [REDACTED] "Is it normal for somebody to go into an open parking lot during a.."

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Officer ██████ interrupted and stated, "It is not. Uh, typically, so, when we got off the highway at Archwood, uh, we were assuming due, uh, due to his speeds, because he was going, max, 35, 40 miles per hour, that he was looking for, you know, uh, a busy area for himself to pull into a driveway and begin a foot pursuit from there. Typically, they'll try to lose us through houses and back yards and fences."

SA Moran asked, "When he, when he turned around at you, and he makes the motion out with his hand and extends it out at you, at you – And, um, uh, is that fair to say? It's at you?" Officer ██████ replied, "I thought it was at me yes, because I was directly behind him. Like I said, I had my Taser in my left hand. I was getting ready to tase him when he did his actions."

SA Moran then asked, "What did you think was gonna happen to you at that point?" Officer ██████ replied, "I thought I was gonna get shot, or I thought somebody around me was gonna get shot."

SA Momchilov asked Officer ██████ "If you knew he had a gun, why, why bring your Taser out at all?" Officer ██████ replied, "I was hoping to subdue him. I mean at this point in time, I just wanted to stop him from running... And I knew that there was other officers there. We're taught to also have, uh, nah, lethal and non-lethal coverage. I knew that, with the chances of everybody else there, that, likely, somebody else had lethal coverage around me, and so, I was trying to just stop him."

SA Momchilov responded, "So, you were attempting to use, I guess, a differ, uh, alternative to deadly force at that point?" Officer ██████ replied, "Yes."

During the interview with Officer ██████ Officer ██████ was asked if during the incident he experienced any perceptual phenomenon, such as tunnel vision or auditory exclusion. Officer ██████ responded by stating, "Yes, hundred percent. Um, I, like I said, I didn't know I was the only person firing until afterwards. Uh, as soon as the cease fire came into play, that's when I realized other people were firing, and that was the biggest thing, for sure." Officer ██████ advised he believed he experienced a combination of tunnel vision and auditory exclusion.

During the interview, Officer ██████ advised that he reviewed his body-camera footage on two occasions, once with his attorney and once during the press conference. Officer ██████ advised that he wears his body camera centered, near his midsection area.

At the end of the interview, Officer ██████ was allowed the opportunity to view his body-worn camera footage again, with his attorney.

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After Officer [REDACTED] reviewed his body-worn camera footage, he wished to add some details. Officer [REDACTED] stated at the beginning of the footage, Officer [REDACTED] and Officer [REDACTED] could be heard radioing out that they were going to be the primary pursuit vehicle.

Officer [REDACTED] also stated that during the pursuit, he tells Officer [REDACTED] that he is going to be taking his seatbelt off because they were going through side streets. Officer [REDACTED] stated he did not want to be stuck in the vehicle, in case the individual suddenly stopped and began shooting at them or if the individual ran from the vehicle.

Officer [REDACTED] also stated Officer [REDACTED] could be heard telling him to get his firearm out and Officer [REDACTED] replied that his firearm was already out.

SA Momchilov then stated that based on the body-worn camera footage, it appeared that Officer [REDACTED] fired a volley of shots and then an additional shot was fired later. SA Momchilov asked Officer [REDACTED] if there was a reason for the additional shot after the initial volley. Officer [REDACTED] replied, "I don't even recall."

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).

[Redacted Name]

Printed Name of Interviewee

6 July 2022 2:55pm

Date / Time

[Redacted Signature]

Signature of Interviewee

Cory Momchillo ✓
BCI Agent (Printed)

[Signature] #64.
BCI Agent (Signature)