



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



2022-0001

Officer Involved Critical Incident - 2307 10th Street SW, Canton, Ohio

Investigative Activity: Involved Officer Interview  
 Involves: Officer Robert Huber (S), Attorney Brad Iams (O), BCI (O)  
 Activity Date: 1/21/2022  
 Activity Location: Canton Police Department –  
 221 3<sup>rd</sup> Street SW, Canton, Ohio 44701  
 Authoring Agent: SA Charles Moran #67

**Narrative:**

On January 21, 2022, at 1330 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chuck Moran (Moran), SA Matt Armstrong (Armstrong) and SA Andy Harasimchuk (Harasimchuk) interviewed Canton Police Department (CPD) Officer Robert Huber (Huber), who was accompanied by his attorney, Brad Iams. The interview took place at the Canton Police Department. The interview was video and audio recorded.

Officer Huber read, understood and signed the BCI Criminal Investigation Notification form.

**Preliminary and Demographic Information:**

<b>Name:</b> Robert Huber	<b>Rank:</b> Officer (Ofc.)
<b>Badge Number:</b> 196	<b>Cruiser/Vehicle Number:</b> K-9 60
<b>Radio Call Sign:</b> 196 (portable radio), K-9 60 (inside cruiser)	<b>Immediate Supervisor:</b> Sergeant (Sgt.) Daniel
<b>Radio Channel Utilized:</b> CPD Channel 1	<b>Mobile Data Terminal:</b> Present; Not Used
<b>Cruiser Description:</b> Ford Explorer, marked cruiser, CPD logos on side doors, black and white color scheme, 60 on roof, K-9 60 on plates, possibly equipped with GPS.	<b>Occupants of Cruiser and Seating Positions:</b> Solo
<b>Assignment:</b> K-9 handler for midnight shift, SWAT operator for Canton Regional SWAT	<b>Normal Shift:</b> 2200 hours – 0500 hours
<b>In-Car Camera:</b> Not Present	<b>Spotlight:</b> Present; Not utilized
<b>Emergency Lights:</b> Present; Not Utilized	<b>Siren:</b> Present; Not Used
<b>Shift Day of Incident:</b> 2200 hours – 0500 hours	<b>Duty Status:</b> On-Duty
<b>Days Off:</b> Mondays and Tuesdays	<b>Prior Overtime or Extra Details within Preceding 48 Hours:</b> Uncertain, possibly a four-hour block of extra work

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<b>Hours of Sleep Prior to Incident:</b> Between 6-7 hours, within usual range.	<b>Consider Self Well Rested?:</b> Yes
<b>Total Length as Officer:</b> 11 years (2011 – 2022/present)	<b>Length at Current Agency:</b> Appointed 4/19/2013 (8 years, 9 months), Wayne County Sheriff's Office (worked in jail) 2011 – 2013, Smithville Police Department 2011 (for three months).
<b>Physical Disabilities (to include hearing aid):</b> None	<b>Corrective Lenses:</b> No Corrective Lenses
<b>Uniform Worn:</b> Dark blue uniform shirt with CPD patches on both sleeves. Dark blue uniform pants. Black boots. Metal badge and name tag on external ballistic vest.	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> Duty belt – pistol in holster on left side. External ballistic vest – (lower left side) tourniquet, pouch with two sets of handcuffs, (lower right side) two extra pistol ammunition magazines in pouches, Narcan, portable radio, (middle right) electronic caller for K-9, (middle left) body-worn camera.
<b>Ballistic Vest:</b> External Armor	<b>Body Worn Camera:</b> Present & Used
<b>Other Recording Devices:</b> None	<b>Partner:</b> Only K-9, not deployed during incident.
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Training or Areas of Specialty:</b> SWAT – included tryout with CPD, SWAT training for one week, attended FBI school for breaching tactics, monthly training with CPD since 2014 consisting of various tactical topics. K-9 handler certification.	<b>OPOTC Certification:</b> Yes, current, attended and graduated from Kent State University Police Academy in 2011.
<b>Military Experience/Training:</b> None	<b>Use-of-Force Training:</b> Qualify annually with CPD, qualify every two to three months with SWAT with various weapons, quick qualifications monthly with SWAT with weapons, reviewed CPD use-of-force policy during annual CPD qualification.
<b>Prior Shooting Incidents:</b> Yes, see below.	<b>Prior Discipline or Use-of-Force Complaints:</b> None
<b>Medications, Prescriptions or Drugs that</b>	<b>Medications, Prescriptions or Drugs that</b>

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<b>might Impair Your Duties at Time of Incident:</b> None	<b>might Impair You Now for Interview:</b> None
<b>Alcohol in Past 24 Hours?</b> None	<b>Last Consumed Alcohol Prior to Incident:</b> One beer at 1700-1730 hours at dinner on 12/31/2021.

**Prior Shooting Incident:**

Officer Huber said the prior shooting incident occurred in late 2017, while employed with the CPD. It was presented to a Grand Jury in Stark County and was determined to be legally justified. Officer Huber said the CPD conducted the investigation.

SA Moran asked Officer Huber to provide details about the prior incident. Officer Huber said he was working with Officer Jones during the early morning hours when they encountered eight males walking in the roadway. When the officers made contact with the males, one of the males began to run away. Officer Jones began pursuing the male on foot. Officer Huber drove his cruiser and intercepted the male in an alley. The male was running at Officer Huber's cruiser with a semi-auto pistol in his hand. The male ran past Officer Huber's cruiser, and Officer Huber pursued the male on foot for another two or three blocks. The male ran between some houses and he had the pistol in his right hand. Officer Huber noticed the male was running and pumping both arms, but then the male stopped pumping his right arm as he was running. The male turned his upper body, and Officer Huber saw the barrel of the pistol and the front of the male's right hand and fingers as he was holding and pointing the pistol at Officer Huber. Officer Huber fired his pistol at the male, striking him in the upper leg. Officer Huber followed the male for another block and was able to handcuff the male, recover the firearm, place a tourniquet on the male's leg and provide medical assistance.



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

**Weapon #1**

<b>Make:</b> Glock	<b>Model:</b> 17
<b>Caliber/Gauge:</b> 9 mm	<b>Serial:</b> [REDACTED]
<b>Type:</b> Semi-Auto Handgun	<b>Method of Carry:</b> 1 cartridge in chamber, 17 in magazine
<b>Magazine Capacity:</b> 17	<b>Total Rounds as Carried (including chamber):</b> 52
<b>Extra Magazines:</b> 2	<b>Number of Rounds in Extra Magazines:</b> 17 each
<b>Discharged During Incident?</b> Yes	<b>Primary or Backup Weapon:</b> Primary
<b>Rounds Remaining After Incident:</b> Not asked, investigation will document with evidence	<b>Number of Rounds Fired:</b> Not asked, investigation will document with evidence and video
<b>Right/Left-Handed Carry:</b> Left-Handed	<b>Ownership:</b> Department Owned
<b>Last Qualification Date:</b> Not asked, investigation will document from training file	<b>Type of Holster, if any:</b> Not asked

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**Incident Narrative:**

SA Moran asked Officer Huber about his body-worn camera (BWC) and if he had reviewed the video prior to the interview with BCI. Officer Huber said he watched it after the incident in January 1, 2022, prior to completing his departmental use-of-force report. He said he also watched a 20-30 second clip that was released to the media and was posted on the internet.

SA Moran asked Officer Huber to provide agents with details about the incident on January 1, 2022.

Officer Huber said he was in the southwest section of Canton and had just finished a call-for-service and was near the intersection of 10<sup>th</sup> Street SW and Arlington Avenue. He was talking on the phone to his wife when he heard a "large volume of gunfire" that he estimated to be more than "20 rounds." Officer Huber told his wife, "Oh my gosh, it sounds like a warzone out here. I have to go," and he ended the phone call.

Officer Huber radioed to dispatch about the large amount of gunfire that was in close proximity to him. He estimated that he was half a block or one block away from the gunfire. Officer Huber was facing south on Arlington Avenue at 10<sup>th</sup> Street SW and the gunfire was coming from his left (east). He turned on 10<sup>th</sup> Street SW and approached the residence at 2307 10<sup>th</sup> Street SW.

Officer Huber stated, "The only reason I stopped and got out of my vehicle was um, you know, my brain was thinking, 'That's a lot of gunfire. It was really, really loud.' Um, I didn't think it was pistol. I was just like, that's, there was so much overpressure from even a half a block away that I was like, 'That's a really loud gun.' And as I'm driving down the street I see, and I guess I can utilize this picture (held up photo labeled 7912), I can see the side door of this kind of, enclosed patio area, and I can see like the top of somebody's head, and it just kind of was like, 'Ok. Gunfire and then go back inside.' So, I see this door closing and I can see the top of the head kind of go away. So, I go, 'Oh, that's the only person I see out in this general area.' So, I park my car where it was located at the time of the incident."

20:57 – Officer Huber continued, "I got out of my cruiser. Um, I guess I can use this one (held up overhead scan map). I get out of my cruiser, I kind of walk (used finger to show walking from cruiser around parked vehicle and to the porch steps) around my cruiser and I end up walking all the way to the front steps of this patio. Um, just, 'cause I was just like, 'Well, maybe this is the guy. Maybe he has nothing to do with it.' As I walk up to the front steps it has a you know, a really large glass pane window that you can see all the way inside that residence. And at that

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point in time I'm able to see a very large male walking with a full size, what looked like a full-size rifle at the time. Um, I knew really quick that like, I'm by myself, um, I do have a department issued rifle, but it's in my cruiser at this time and I'm not, whether good, bad, or indifferent, I'm not going to contact this gentleman at this time with know that, 'Ok, I'm pretty sure that this is the guy who just shot over 20 rounds.' So, I start backing up, back, kind of over here (pointed to southwest portion of overhead scan map in roadway) and this is kind of where my body camera starts on, 'cause I have a 30-second delay. At that point in time prior, I had given dispatch, 'Hey, I have a male with a rifle. I need more cars here right now.' Um, and then as I'm kind of giving dispatch um, you know, just kind of some information, I was hoping that he was just going to put it away. I think I even said on my disp, over the radio like, you know, 'He's putting the rifle away.' 'Cause he's walking towards the table in the dining room area."

Officer Huber continued, "My initial thought was, 'Ok, we'll just surround the house. We'll call him out. We'll get the gun. It will be really easy and we'll be fine.' And then as I'm kind of out of view, 'cause I'm not standing directly by them, I'm almost, kind of, I think maybe by this car (pointed to rear parked in front of residence as shown on overhead scan map), kind of on the back side of this car um, and then probably, it felt like it was really quick, maybe 10 seconds after I kind of finished up giving my disposition over the radio um, I didn't have view of anybody inside the residence and then I don't hear the door open, I just hear another large, like large, volume of gunfire and it was, I would, I would hate to say that it was fully automatic, but it almost sounded fully automatic that's how fast the cadence was with the firing um, and instinctively due to my training from many, many years on SWAT, any time you hear gunfire you automatically go to it whether you have to run, drive as quick as you possibly can, you immediately run to the gunfire and you start figuring out what the heck is going on. So, I hear a large amount of gunfire, like I said, I think I'm probably somewhere around this car (held up overhead scan map and pointed to rear of vehicle parked in front of residence). I don't know if I'm on the front side or the back side. Um, the gentleman ended up being right here on the back patio (pointed to area inside small patio enclosed by wood fence on west side of residence on overhead scan map). I hear the volley of gunfire and I run, kind of just at this angle, and run right to about here (pointed to area near the southwest corner of the porch near trash can in driveway on the overhead scan map) and pretty much when I'm able to kind of round the corner, I just realize, 'Oh my gosh. Like, I'm right on top of him.' Like, I didn't, I guess I didn't gauge the distance that I might have had or where he was at. I just pretty much run, run, run, and I turn the corner and all I see is maybe four or five feet, fence, and I can see like the top of his head (made motion with both hands toward front forehead with bottom hand horizontal near eyes and top hand horizontal near top of head) over the privacy fence and I can see maybe (moved horizontal hands up in front of him and apart about six inches) four to six inches of rifle barrel and then just

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the muzzle flash and I'm going, 'Oh my gosh. This is really, really bad.' Um, and I'm trying to figure out, process what he's doing like, 'Is he shooting at somebody? Is he shooting in the air? What is he shooting at?' And then all of the sudden, I see the four or five inches of rifle start coming towards my side of the fence and I just remember seeing the muzzle flash continuing as the rifle is coming towards my side of the fence."

24:49 – Officer Huber continued, "And I'm thinking, 'Oh, this is, I'm going to, this is where...' I knew immediately like, first off, I have a pistol and he has a rifle so that's a horrible situation to be in by yourself. I'm, I don't even think I could even hear my own thoughts 'cause it was so loud let alone try give verbal commands for this guy to do anything 'cause it, I guess at the time it was either futile to even try or if I did try, is, now is he going to engage me actively if he wasn't trying to already. And I just, I just didn't know, I was like, 'I can't scream at all, it's too loud.' There was no break in the gunfire to even, even be able to verbalize anything during the break, it was just continual gunfire over and over and over again. And then, the second I saw the barrel start going my direction and like I said, I remember seeing the barrel and just the muzzle flash coming from the end of the barrel, and as it's coming my direction I'm thinking, 'Ok, this thing is going to rip right through my body armor. It's going to rip through the fence. It's going to rip through me. There's nothing that I'm wearing that is going to stop any of these bullets.' And at that point in time, I engaged him with my firearm through the fence um, I was lucky enough, I don't even know if it's luck, I kind of was able like, I don't even know how my brain did it, it was enough for me to say, 'Ok, this is where the barrel of the rifle is (held left hand up to the left), this is where the head is (held right hand up to the right), and kind of went down at like a V (moved both hands down forming the point of/bottom of a V), and we have um, I have an issued red dot on my pistol so I just remember putting the red dot on the fence where I believed this guy was going to be. I remember seeing that behind him, directly behind him, was the residence and so I knew, 'Ok, well, if I miss him, there's a very small likelihood that my bullet is going to travel the wall.' We have these hollow points, they mushroom really well, so that was my backstop at the time and I just was like, 'I'm, just was like, either I do something right now or I'm probably going to die like right now.' And so, I engaged him with my firearm. Um, I didn't know how many times I shot until initially, I think, I, the only time I figured that out was when I had gotten back to headquarters and they had taken my department gun from me and unloaded all the ammo and I think I had shot nine times. Um, I don't know where I struck him. I did know that I did struck him, strike him later on when we entered the residence but, the second I engaged him with gunfire um, the second he stopped and I was able to react enough quick enough to be like, 'Ok, he stopped shooting.' I stopped shooting and then I began immediately giving verbal commands that I'm the police and that he needs to get down."

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27:39 – Officer Huber continued, “In hindsight when I think about what had happened and watching my video, I didn’t realize that I was that close um, I thought that maybe had more distance than maybe my brain was telling me than when I watched the video and I realized that I was so close to being on top of that guy. So, um, the second the firing stopped I gave two verbal commands and then I pretty much retreated back to the back of my cruiser um, realized that I had fired some rounds, I didn’t know how many at the time, so I did an administrative reload, so I just took my magazine out, threw it in my pocket and I reloaded with a fresh magazine. Um, at that time, Officer Paris um, had arrived on scene, he asked if I was ok, and I said, ‘Yeah.’ And he says, ‘Where is he at?’ And I said, ‘I don’t know.’ I wasn’t able to see him enter the house. I didn’t know if he had fallen there. I didn’t know where he was at the time. Um, and then maybe 10 or 15 seconds later, maybe 20 seconds, uh, a lady from inside the residence came out you know, screaming that her husband had been shot.”

Officer Huber explained that the adult female, two adult males and a few children exited the residence and were moved to an area near the southeast corner of the exterior of the residence. Officer Huber knew that officers had to enter the house to render medical aid to the male that was shot. Officers entered the residence and Officer Paris began rendering medical aid to the male, while the other officers cleared the remaining portions of the residence.

SA Moran asked Officer Huber if he knew if an ambulance was called for the male that was injured. Officer Huber said he recalled an officer requesting an ambulance to respond to the location, but he was not there when it arrived. Officer Huber said he remembered clearing the first floor. He also cleared the exterior patio with Officer Little and he remembered seeing the rifle there with a “fairly large drum magazine” attached to it. Officer Huber added, “Which would kind of explain how he was able to shoot so many rounds.” Officer Huber said he contacted Sgt. Daniel and informed him he was involved in the incident and then he was removed from the scene.

SA Moran asked Officer Huber about the radio traffic and if anyone else or another officer informed him about the residence or if it just what he heard while he was in the area. Officer Huber said the call came from him and he radioed about the large amount of gunfire near him. He was able to exit his cruiser when he located the residence and radio again that a male was inside with a rifle and he needed additional officers to respond.

SA Moran asked Officer Huber about the moments when he parked in front of the residence and saw the top of the male’s head as he entered the side door of the residence. SA Moran asked Officer Huber if he had any of the cruiser lights on. Officer Huber stated, “I didn’t turn on, I

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didn't have any of my overheads on. Um, at that point in time, it was more just like I was going to start checking the area so, I didn't know this guy from Adam, I didn't even know if he was involved. I just said, 'Hey, there's a guy moving.' And for some reason my brain told me, 'Well, get out and look and see if maybe he has anything to do with it.' So, at that point in time I was literally was just driving down the street so I didn't have any of my overhead lights on or anything like that so..." SA Moran asked Officer Huber if remembered if the cruiser headlights were on or off. Officer Huber said he usually drives with the cruiser headlights on and he thought they were on and did not know of any reason they were off. SA Moran asked Officer Huber if it was a common patrol tactic to turn off lights as he approached any scene. Officer Huber confirmed that it was a common tactic and he sometimes turned off the headlights and other lighting as he approached scenes in the past, and he sometimes left his lights on depending on the call type.

SA Moran asked Officer Huber why he parked his cruiser in the spot that he did. Officer Huber answered, "Um, in all honesty, I think it was like, by the time I noticed the guy like, walking in, I think maybe I saw him you know (held up photo 7883 and pointed near west side patio door), like, I'm driving down and I see the door move and so by the time I was able to react I just stopped the car and got out. It wasn't a tactical thing. It wasn't something that I cognitively like, made the distinct notion like, 'This is exactly where I want to park.' I think it was, I saw him, I reacted, and I just stopped the car and got out. Um, because I usually am pretty good about maybe parking at least a house or two houses away and then just walking up on to the scene."

33:55 – SA Moran asked Officer Huber about the lighting conditions during the incident. Officer Huber said he did not believe it was a "lit road." Officer Huber held up photo 7883 and pointed to the flood light above the west side patio door and he described it as "pretty bright." SA Moran asked Officer Huber if he recalled the weather conditions during the incident. Officer Huber said he did not think it was raining or snowing at the time of the incident. He remembered that it was cold and he had the cruiser windows rolled up. SA Moran asked, "So, even with your windows up and you're driving, you could hear this gunfire occurring in some proximity to you?" Officer Huber replied, "Yeah, yeah. And that's when I, and my wife ended up sending me a text like maybe two seconds after I hung up with her 'cause it was, it was so loud that I felt like, I was surprised, now even looking at it now, that it was, it felt like it was right on top of me at that time with my windows up inside my cruiser, and then I ended up going maybe half a block to a block, but that's how loud it was when I heard it the first time and then it was exponentially louder you know, when I was six feet away from it." SA Moran asked Officer Huber if the gunfire heard on his body-worn camera video was a "fair" representation of the sound being "exponentially" louder. Officer Huber responded, "I think so. I think so. I mean, I don't know. When it's right

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there I couldn't even hear myself think let alone, it just, I don't remember my ears ringing afterwards or anything like that. I just remember that it was so loud that like nothing else, I guess this probably what you call tunnel lock like, I couldn't, you couldn't, I couldn't tell you what my birthday was let alone my name, it was just, it was like an all-consuming sound that didn't stop. Like, you know, you hear, I've been in gunfires before, I've heard gunfire you know, one, or two, or three rounds and then it stops and then all of the sudden it just (made exhaling whispering sound) and then it releases and then you have clarity because it stopped. This never stopped until I engaged. It never, it never, the cadence never slowed at all and that's why at the time I thought, 'Oh my gosh. He's might have a fully automatic rifle.' because the cadence was so consistent and it never stopped and it, it just, like I said, it never stopped. It didn't seem like it was ever going to stop."

36:52 – SA Moran asked Officer Huber to describe more of what he saw when he walked up the porch steps and looked in the front window. Officer Huber held up photo 7894. Officer Huber pointed at the front window and said at the time of the incident he believed that the front porch window was a “full glass pane” window. He said it was possibly the way his “brain remembered” it. He pointed to the front porch window on the photo and said he could now see that it had a “center structural support in the middle” of it. Officer Huber stated, “I pretty much walk up, I mean, I guess I must have been on the porch, and I'm able to see him inside the residence through this open window. So, the window was, was fairly open it appeared to be, and I just remember him walking with this rifle (held hands out as if carrying a rifle by the grip and the forestock) back inside and I'm going, 'Oh, this is really bad,' and so, at that point in time, the second I see that, I get off the stairs. I'm not going to stand in front of a window you know, with a guy you know, who I believed at the time just used his rifle to shoot off a bunch of rounds. So, this is kind of when, almost like my bodycam starts going. I tell CanCom, 'Hey, I got a guy with a rifle in here,' and then pretty much, 'You need to send me some more cars right now.' So...” SA Moran asked Officer Huber if he saw anyone or anything else inside the residence through the window. Officer Huber saw another male sitting on a couch in the living room on the east side of the residence. Officer Huber stated, “Pretty much the second I see the guy with the rifle walk in, I don't really remember anything else after that like, seeing anybody, somebody could have been there, I just don't remember seeing them, I think it was more, guy, gun, and then that was enough for me to kind of like I said, get off the porch and kind of get to a place of not in front of the window.” SA Moran asked Officer Huber if he remembered the “condition or position” which the male was carrying the rifle. Officer Huber again placed his hand out in front of him demonstrating carrying a rifle by the grip and the forestock. Officer Huber stated, “I mean, it was almost just like he was kind of walking it back into the house so, um, like I said, I even think I said on the radio you know, that he was putting it on the table 'cause it looked like

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he was kind of moving it to the table and in my brain, I'm thinking, 'Ok. He's all done. We're done with this. He's got the rounds off or whatever he did.' and so, that's the last thing I remember is him putting it on the table and my brain almost like, subconsciously telling me like, 'It's going to be ok. Nothing bad is going to happen and now he's done. He's putting it away.' But, I then, like I said, then I got off the porch and I went to kind of over to, by their car, started telling dispatch what was going on and then um, you know, he decided to come back out again with it so..."

39:29 – SA Moran asked Officer Huber about what was “different” about the gunfire he that occurred while he was at the residence compared to the gunfire he heard while he was inside his cruiser. Officer Huber answered, “So, um, so, when I was in the car I was able to tell really quick that you know, I’ve heard gunfire blocks away and you can kind of just cast a net out there and be like, alright, it’s maybe four or five blocks out that way, but it’s pretty far. It’s almost like when you um, I mean, that’s about, you can kind of, your brain almost kind of triangulates how far it is. Then the closer you get you know, of course naturally it’s going to be louder so, when I was in the car, even with the windows up, I remember my brain telling me that, that was, it was almost kind of like, I hate to say a spidey-sense but it’s, my brain almost told me, ‘That’s too close.’ Like it’s, ‘Robert, you’re like really, really close to wherever that went off.’ I haven’t been, I’ve been in some close calls with gunfire but, I think this is probably the closest I’ve ever been to actual sustained rifle fire from being that close. I’ve heard them in the distance. I’ve heard pistol shootings in the distance. I think I’ve maybe even heard I mean, I’ve heard pistol shootings close but, to hear sustained rifle fire um, from there it’s enough to you know, like, ‘This is really bad. This is...it’s really loud.’ And you’re like, and it’s, and like I said, I felt like it was right on top of me. And then when you get there, the overpressure that these rifles produce it’s almost like you start feeling like it’s concussing your ears like, it almost, it completely overwhelms your senses that you can’t even like, it just feels like, it’s almost like a thunderstorm that continues and hasn’t stopped yet. And it’s, it just was almost unrelenting like, there was no break where my ears or my brain could even just like, stop you know? You know, I guess vibrating, humming, just feeling the shock wave of it um, so, when you’re away from it, you’re like, ‘That’s really close.’ But, it was enough for me to get off my phone and like, ‘Ok, I got to start driving in that direction.’ Um, when you’re that close to it like I said, I don’t even think I could have told you my name let alone what direction I was pointing. It was, it pretty much just overwhelms your senses and I couldn’t hear anything at the time um, like I said, it was almost like a concussion in my head because it was you know, that close with that much rifle fire without any hearing protection.” Officer Huber explained that he has been at the firing range in the past and took hearing protection off and someone fired a rifle a longer distance away. He said “one round” was “really loud” and would force him to put his hearing protection back on.

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Officer Huber added, "But, to have 30, 40 rounds from six or seven feet away from you, eight feet away from you, I've never experiences anything like that before ever."

43:00 – SA Moran asked Officer Huber about his specific training he received about moving toward the gunfire and to explain it to agents. Officer Huber said it was from "active shooter training" that stemmed from "school shootings." He added that active shooter situation can occur in schools, stores, other public buildings or businesses, and in the "street" and involve a single officer or multiple officers, depending on the situation. Officer Huber said he has been trained through the CPD and the CPD SWAT team that the "second you are able to, you are going to actively run towards the gunfire and stop whatever is, whatever it is doing." Officer Huber mentioned that the CPD SWAT team has a subset team called the "DART" team (Direct Action Response Team). He said whoever is placed in a role on the DART team knows that they will be actively running and moving toward "the screams, toward the gunfire, towards whatever is making the problem and you're immediately going to address it." He stated, "You might have a whole team, you're going to be running by rooms that aren't cleared, you're going to be taking a lot of I guess, what we would consider, safety precautions, and you're going to be throwing them out the window because you are actively just running and moving to the threat as quickly and as fast as you possibly can and then you're going to stop that threat by whatever means ok? Verbal command you know, engaging them with less lethal, engaging them with, whatever you have to do to stop it, you immediately stop it. And then from there, then you almost have to kind of start working backwards and clearing and triaging and stuff like that so, the principle, that was where the main principle comes from and then we break down even smaller when it comes to even our basic room entries and maybe engaging people while doing you know, a SWAT raid where my buddy starts engaging somebody with a firearm ok? I'm going to quickly do my search of whatever or scan of whatever part of the room that I was responsible for, but I immediately going to get on-line with my buddy who is actively engaging something and I'm now going to assist him by whatever means I possibly can. I might not shoot. I might not do anything, but I'm going to actively move to wherever he is firing good, bad, or indifferent, and I'm going to start assessing what he has. So, we do that, that, the room entry stuff we do every month, I mean we do it every time we do an operation, that's no engrained in us. And we do the active shooter training I feel, maybe two or three times a year. We also use simunition rounds so you're actually going to be using firearms with chalk rounds and we actually train with that in some of our old schools and stuff where you hear gunfire and now you are running down this hallway with one or two of your buddies and you are actively finding this person causing this issue and you're immediately addressing it."

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SA Moran asked, "And is that the training you're referencing when you say you moved towards that gunfire at that time?" Officer Huber answered, "Correct. Um, it almost becomes like, instinctual um, I know when I train some of the younger SWAT guys, and I've never been in a situation like this before, but they almost kind of express worry in the sense that, 'Well, I hope I would be able to do that because that seems really, really scary like, the second you hear it, you have to go.' And you just, all you can say is, 'Well, this is why we train it.' We train it so that if it ever happens or if, hopefully it doesn't happen, but if it were ever to happen, your brain immediately kicks on. I don't even remember even thinking of why I'm doing it, I just remember doing it. And I just remember going and then unfortunately when I rounded the corner I realized, maybe I went too far (meaning distance), maybe I you know, but I was kind of, that's what my brain told me to do is, the second you heard it, I just immediately started moving towards it so..."

47:05 – SA Moran asked Officer Huber if he heard the male subject or anyone else say anything before, during, or after the incident. Officer Huber said he did not hear anyone "speaking at all during the incident." He said the only time that anyone said anything to him was when the female ran out of the house and said her husband had been shot. Officer Huber said he communicated with dispatch by radio.

47:59 – SA Moran asked Officer Huber about the moments when he moved around the corner of the house and saw the rifle barrel and the male's head. SA Moran specifically asked how much of the male's head he saw. Officer Huber replied, "I mean, I want to say like, almost all of his forehead (held out left hand with thumb and fingers apart about 4-6 inches) and then, when I saw the rifle, I guess I saw enough of it to realize that I didn't think he had two hands on the rifle this is where, now looking back, I remember seeing just all rifle and no secondary support hand on the top like, what we would normally carry it as, which led me to believe that he just had one hand on the rifle (made motion with right hand up in the air as if holding a firearm) and was kind of, doing a motion (moved right hand holding firearm from left to right and then right to left repeatedly), I couldn't even consider what the motion was, but it was just an unsupported gun going off when I rounded the corner. That's what I saw so..."

SA Moran asked Officer Huber about seeing the male's forehead. Officer Huber said, "Yeah, so, yeah, maybe this much (held his left hand parallel to the ground near his eyes and his right hand parallel to his left hand near the top of his head) above the fence and then you know, so much above the rifle (moved hands out showing about 6-8 inches apart), which was above the fence as well."

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49:03 – SA Moran asked Officer Huber about some moments on the body-worn camera video when he rounded the corner of the residence and possibly brought his pistol in toward his body and then re-extended the pistol out from his body. SA Moran asked Officer Huber if he recalled that movement. Officer Huber responded, “I don’t.” He explained that when moving with a firearm that he would likely “compress” it closer to his body to have better control of it and after that, if needed, he would extend the firearm in front of his body.

50:08 – SA Moran asked Officer Huber about his point of aim and if he was using his sights or another method of aiming during the incident. Officer Huber said he had a “red dot” on his pistol. He explained that the red dot was his sight. He said they qualify and “zero” their pistol with red dot sights and are “more accurate” with the red dot sights than traditional sights. He added, “When I use this, it’s pretty much just put the red dot on the target and once it’s there, then you can address it accordingly.” Officer Huber confirmed that was the process he used to aim during this incident.

SA Moran asked, “Did you feel confident um, that this male subject was the person firing the rifle?” Officer Huber responded, “Um, I was about 25 on the first, before I even, I was, when I first heard it and I saw him going into the house, I was maybe 25 percent, ‘Maybe this is the guy.’ Um, seeing the rifle you know, now I’m at like, a 90-95 percent. Ok, you don’t hear all that sustained rifle fire, see a guy walking in the house with a rifle and go, ‘No, that’s probably not the guy.’ Um, and then of course, naturally when I round the corner and he’s the only one shooting this rifle off it was 100, it was 100 percent at that point in time so...” SA Moran followed, “And were you confident that he was the only person within the enclosure?” Officer Huber replied, “Yeah, I mean just, I remember seeing the um, I didn’t remember, I don’t know if there were slats (made motions with hands simulating vertical fence slats/openings), I think I saw a little bit of, I got a little bit of information from, through the slats. I just remember that the door was still open so it was almost like, in my opinion or how my brain perceived it was, he kind of just kicked the glass door open, kind of you know, pushed his back or his butt up against it, and then was just now (raised right hand in the air as if holding a firearm), so I was about as certain as I possibly could have been at the time that he was the only one there. I didn’t see any additional movements. I didn’t see any other firearms in the air or any other type of movement. I just saw this, this forehead with a rifle and like I said, I feel like I saw some, I got some information from the slats in between the wood um, but that just might be my brain telling me that that’s what I saw.” SA Moran asked, “For like his figure? Or his outline?” Officer Huber said, “Right. Yeah. Just giving me some type of picture of what’s going on on the other side of the fence so...”

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52:35 – SA Moran asked Officer Huber about the caliber of his pistol. He said that it was a 9mm and the ammunition used was Speer brand, Gold Dot model. SA Moran asked Officer Huber if he felt confident, based upon his training and experience with his pistol and ammunition, with backdrop of the house. Officer Huber said he has been trained that the bullet had a “mushroom effect” when it strikes something solid. It prevents “over penetration.” He explained that he has professional and personal experience with the way houses are designed in Canton that he was nearly certain that the adjacent room was a kitchen and a stairway to the basement. He believed that the bullet would stop and not penetrate the residence.

54:54 – SA Moran asked Office Huber if he has had any contact with the male subject in the past. Officer Huber said he “never” had contact with the male subject prior to the incident. SA Moran asked Officer Huber if he had any contact or knowledge of the residence. Officer Huber said he had no knowledge of the residence and he did not remember ever going to a call there in the past, unless it was for something minor, which he did not remember. Officer Huber said it was the first time he saw a small, enclosed porch in Canton and that it was an “odddity.”

55:47 – SA Moran asked Officer Huber if he knew which way the subject was facing when the rifle was making a “swaying” motion while firing and before Officer Huber fired. Officer Huber responded, “I couldn’t tell with that um, I guess if I think about it now, the way I saw the rifle, I saw kind of like (moved both hands and arms as if holding a rifle left handed), if you’re right handed, I saw the left side of the rifle so, which made me believe you know, so, I saw the left side which made me believe so, that would lend me to believe that he was probably facing me just ‘cause of the amount of the rifle that I did see, I saw like, the inside portion of the rifle, not the outside portion, it was, almost like it was almost facing towards me and not away from me um, most shooters are right handed anyways so that’s kind of how my brain works where it’s like, ‘Ok, I see this (motioned with left hand inside or on left side of rifle), it’s going to be facing towards me, which means that it’s probably in his right hand and he’s going to be facing towards me so...” SA Moran asked Officer Huber if he recalled any other details about the subject’s forehead that would provide information about which direction the subject was facing. Officer Huber answered, “No. I mean, oh, I mean I guess now that, yeah, I guess I never even thought about that so, yeah, I mean I didn’t, I never saw the back of his head so you know, me seeing his forehead (moved both hands up to eyes and top of head), yeah, I mean I guess, I guess I never even thought about that then, that he’s definitely going to be facing me because I never saw the back of his head. I never saw hair.” SA Moran asked, “And when you say head, you mean front forehead?” Officer Huber replied, “I mean front forehead. Right here (moved left hand up from eyes to the top of the front of his head). I could see the hairline um, you know, from like, what I used to have but, no, I don’t ever remember seeing like, any hair on the back, I never saw the

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back of his head, the back of his neck, the back of his ears, I just do remember specifically seeing (moved hands up to front of his head from his eyes to the top of his head) his forehead so..."

57:41 – SA Moran asked, “I think you said right when, right before you fired that you knew that anything you had on you wasn’t going to stop the rifle and you would probably, I think, I think you said, you were probably going to die if you did not engage in fire um, are there any more details that you remember about that feeling or that sense coming toward you at that point? Does that make sense? Like, I guess, why, why that thought? Why that came into your, your decision making at that point?” Officer Huber answered, “So, when it’s that close to you, it gets like, really, really up close and personal and you’re just like, ‘Oh, this is...’ and I just, when my wife asked me, I just keep saying, ‘I just knew it was really, really bad like, it was going to be really bad.’ And then, it’s one thing to see the barrel and you’re like, ‘Ok, that’s a gun.’ And then it’s another thing to see like, the muzzle blasts coming out of the end of the barrel you know, the fire, the red embers of all the exp..., from all the burning stuff and I’m, I’m thinking, ‘Ok, this is really, really bad.’ And then I remember as it’s coming towards me (made motion with left hand toward him likely simulating rifle barrel), I’m going, ‘If I don’t do something right now, I’m not going to, this is going to be it.’ Like, ‘If I don’t act right now, if I wait...’ and my brain was telling me, ‘If you wait any longer Robert, you’re not going to come back from this. You’re done.’ Like, I’m you know, you’re watching a rifle come right towards you (used left hand in front of him simulating rifle barrel moving toward him), and you’re like, at what point in time is a good time to try to figure out what to do? And I just remember my brain saying like, ‘This is it.’ Like, ‘You’ve got to do something right now or you’re not going to get through this.’ Um, and I definitely knew that you know, and I’m fortunate that, my, my, my bullets went through the fence and they were effective I guess in stopping what was going on in front of me. Um, that thing would have gone right through the fence, right through me, right through the house behind me um, if it’s the right ammo and I knew that like, my first initial thought was, the public is, is, somebody’s going to die from the public. And then about a second, maybe even a half a second, I don’t even know the time, when I saw it coming towards me that I’m like, ‘Ok, now you’re going to die Robert.’ Like, this is, you did all this worrying about everybody else possibly getting hurt or getting killed or figuring out what’s going on, and then, that you know, right before it happened I thought, ‘Ok, this is when you’re going to die Robert.’ Like, ‘This is going to happen whether you stop it now, or if you don’t stop it now, it’s going to happen. There’s no ifs, ands, or buts.’ You don’t see a rifle going off that many times without stopping and now the thing’s coming towards you and all you see is barrel, and rifle, and flames coming out the end, and I knew that at that point in time if, if whatever I did at that point in time I had to do it right then. If I didn’t, if I lost sight of the, of the barrel, then I’m, I’m done. Like, it’s, it’s past the point of no return, I, and if I wait any longer then, then it might be too late. Like, I might be

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behind the eight-ball and there's, at that point in time you know, it's. it's like, a wish, and a hope, and a prayer that maybe you'll get out of it, but in my brain I was thinking that, 'This, it's going to happen Robert.' Like, you know, I was worried about everybody else 99 percent of the time and then the second it started coming towards me, I was like, 'You're going to die now Robert. This is where it's going to happen.' So..."

1:01:16 – SA Moran told Officer Huber that there has been many people mentioning “celebratory gunfire.” SA Moran asked Officer Huber what and why this “total event” was different. Officer Huber responded, “So, you know, if I can be honest, that’s the silliest thing I’ve ever heard is, is, and me maybe even supposed to be knowing what the difference between celebratory gunfire is and regular gunfire. ‘Cause how we’re trained and why we are so stringent on every single round that we put downrange or why we say in training like, ‘Hey, you are responsible for everything that comes out of that firearm.’ Good, bad, or indifferent there’s a little lawyer attached to each one of those rounds. And so, in my brain celebratory gunfire makes no sense. Um, because when you’re that close to it, there, I, I couldn’t, I don’t understand how anybody or how I’m supposed to figure out if like, ‘Oh, that’s got to be celebratory gunfire.’ Um, I don’t know the difference. Gunfire is gunfire. Um, when it’s that close to you, I don’t think any cop in this country or anywhere could just be like, ‘Oh, that’s got to be celebratory gunfire ‘cause it sounds a little different.’ Um, it might have started out as that you know, or maybe that’s what it was, um, you know, the amount of rounds that he’s just throwing in the air from a rifle that I know can go two, three, four, maybe five miles away and now they’re just coming down on anything and anybody, and then the way that he was kind of just waving this gun around you know, I, I, what I say is unsupportive you know, I don’t, I’m not trying get off the question, can you repeat it again so I make sure I get it.”

SA Moran said that the term “celebratory gunfire” had been discussed and mentioned. SA Moran asked Officer Huber, “Why this particular scenario is different in your eyes?” Officer Huber stated, “Sure, so, I mean, even to say it, it sounds really silly you know, if you’re on the farm miles and miles away from everybody and you pop off a couple rounds you know, Happy New Year you know, it is what it is. I would never do it. I’m really responsible with my firearms and bullets and, but to shoot, 40, 50, 60, I don’t even know how many rounds he was able to even fire, is one thing. That’s, in my opinion, you can’t do that. The risk to the public is so astronomical at that point in time that there’s no legal, there’s no sensible way to even try to justify it.”

SA Moran asked Officer Huber if there were any Ohio Revised Code Statutes or city ordinances that were relevant to the incident. Officer Huber explained that there was a Canton city ordinance

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prohibiting discharging a firearm within the city limits. Officer Huber also explained that when the bullets were fired into the air and crossed a roadway or potentially struck another residence, it could be considered a felony level of discharging a firearm. He also mentioned that there was a school and hospital located nearby. Officer Huber spoke about the hospital being about four blocks north of the incident scene. He mentioned the possibility of the subject committing numerous felonious assaults, likely negligently, with all of the people that reside in the area and with the hospital in the area. Officer Huber used the overhead map and described the residential "city" portion of the area along with Aultman hospital nearby. He estimated "thousands" of people were in the area.

1:06:10 – SA Moran asked Officer Huber about his body-worn camera and specifically about when he decided to activate it. Officer Huber explained, "So, um, pretty much I get out of my car and I'm just kind of, I guess investigating now a possible suspect. Don't know him from Adam. Didn't even know, he might have just been walking inside from doing something and it is what it is. So, as I'm, I make the, I turn on my body camera the second I see him through the window with the rifle. And I know, ok, there's enough here that we're going to need to get some cars here and that's when I ended up turning on my body camera."

SA Moran asked Officer Huber for his permission to watch the entire body-worn camera video. He mentioned that he was transported to the hospital. SA Moran mentioned that a sergeant possibly drove him to the hospital and Officer Huber confirmed that information. Officer Huber granted permission for BCI agents to view the entire duration of his body-worn camera video.

SA Moran asked Officer Huber if he was treated at the hospital for any injuries or if he had testing done. Officer Huber said testing was performed. He said he took a breathalyzer test and a urine screen drug test. SA Moran asked Officer Huber if he knew the results of those tests. Officer Huber said his drug test was negative for all substances and his breathalyzer test showed a .000 BAC. SA Moran asked Officer Huber if BCI agents had permission to obtain and review those results from the CPD when they were available. Officer Huber granted BCI agents permission to obtain the testing results.

SA Moran asked Officer Huber if he wrote any reports about the incident. Officer Huber said he completed a use of force report, but it has not been submitted yet. Officer Huber said he did not write an incident report or supplement report.

1:09:14 – SA Moran asked Officer Huber about the few times that he viewed his body-worn camera video. SA Moran asked Officer Huber if there was anything that "clarified" his memory

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of the incident after he viewed the video. Officer Huber responded, "Like I said, the biggest thing, my brain um, when I watched the video was I didn't realize how close I had gotten to the fence. Um, I think my brain was telling me I was you know, 10-15 feet away and then I watched the video and I realized I'm way closer than what I actually perceived was going on. Um, other than that, I mean, like I said, we talked briefly about the amount of noise there is you know, just from the gunfire um, I think it's, you can hear the sustainment of the gunfire really well on that. I don't think it sounds you know, like I said, I think the sounds is a lot more, or it felt a lot more, than what you can hear. But, other than that I mean, it was about as quick and accurate representation of what happened, yeah."

SA Moran asked Officer Huber if he experienced any "perceptual phenomena" during the incident (tunnel vision, auditory exclusion). Officer Huber stated, "Sure, yeah, I think that that's exactly what happened. I guess now thinking about it so, I don't remember you know, I remember definitely what the visual was just, the second I saw the barrel and the flash coming out of it, there was nothing else that I was looking at at that point in time. And then the auditory um, I couldn't hear anything um, now granted it's you know, I didn't have the ability to 'cause of the gunfire but, um, yeah, I guess that would be auditory exclusion. Um, I could hear the gunfire. I could hear the, the, the concussion (put hand up near ears and moved them quickly as if reverberating sound), but I couldn't hear I mean, you could sit there and scream at me and there was nothing else I would have been able to hear. I didn't hear any cars. I didn't hear anything. I just, that's all I heard so, there might have been stuff going on, I just wasn't able to hear it." SA Moran asked Officer Huber if he recalled any "time distortion." Officer Huber stated, "Um, time distortion, probably when it comes to the time that it took for me to engage or the time that it took for me to move from one spot to another um, I felt like, I felt like I was moving quickly in my mind, but then I watched the video and I realized how quick I made the move from the car to the corner and took the corner. I felt like it took a lot longer like, I felt like to took like, maybe two or three seconds for me to get over there even though it's maybe 20, 25 feet. Um, I didn't realize how much time, how quickly I got from there, and then how quickly I figured out what was going on, and then how quickly I engaged. I felt like it took like 10 or 15 seconds, maybe 20, it felt really long, but then now watching it, it feels like it was only five or maybe six seconds when it all happened, so..."

1:12:35 – SA Armstrong asked Officer Huber about the moments when he heard the gunfire, but before he rounded the corner of the house, and if he "knew" or was "assessing" where the gunfire was originating from. Officer Huber answered, "Um, I would say yes. I knew where it was coming from. I knew it was coming from that area. Um, and like I said, I think my brain and just everything as it was going on, I maybe misjudged how close it was. Um, I mean, you're

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standing there and you're listening, all of the sudden like, in the left side of my ear all I hear is gunfire so, my brain is telling me, 'Go that way.' Um, so, I knew that it was coming from there I just didn't know you know, rounding the blind corner I couldn't have told you where it was around the corner prior to getting there. I just figured it out as I rounded the corner so, I knew the gunfire was coming from that I guess, that side of the house, but I didn't know where it was in relationship with the front side of the house. It could have been 25, it could be at the back of the house you know, or it could have been right at the front and I wouldn't be able to tell you on that where, on that area where it was at, so..."

SA Armstrong asked Officer Huber about the radio traffic before the incident and about the radio traffic indicating Officer Huber was on "11<sup>th</sup> Street" and if he was in the area trying to determine where the gunfire was occurring. Officer Huber said he thought that he was initially on 11<sup>th</sup> Street SW. Officer Huber used the overhead map and said he believed he was parked at 10<sup>th</sup> Street SW and Arlington Avenue SW. He said he knew he was on Arlington Avenue SW, but he was not certain of the cross street initially. He said after seeing the male with the rifle (inside the residence), he radioed that he was at 2307 11<sup>th</sup> Street SW and then he corrected it to 2307 10<sup>th</sup> Street SW after looking at the street sign. Officer Huber stated, "Paris, who's my backup, I remember hearing his sirens like, as it's going on or I just remember, I felt like, I could hear something go (made motion with left hand waving past left side from front to back), and then I was like, I think that was him, and then I end up hear..., I think after the shooting I can hear Paris like, car like, almost had to turn around and come back down the way to come get to me. So, think he was shooting towards 11<sup>th</sup> Street and then overshot until I gave him the confirmation and then he was able to come back around and by then the incident had already occurred, so..."

1:15:29 – SA Armstrong asked Officer Huber if there were any other officers radioing information about the gunfire. Officer Huber did not recall any other officer radioing anything about gunfire or rifle fire before the incident.

SA Armstrong asked Officer Huber about the DART Team and if he was assigned to it. Officer Huber explained that the DART Team was essentially who responds to the incident first and then a team is put together with officers at that time. The DART Team is mainly utilized for patrol officers at the CPD. The SWAT Team usually has a longer response time to arrive at a scene. Officer Huber stated, "The DART Team is mostly just going to be the cops that are first on the scene that can start handling the problem as quickly as possible before life is lost, even more life is lost." Officer Huber said SWAT team members are trained in this tactic and the majority of CPD police officers are also trained in this tactic.

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SA Moran asked Officer Huber if he talked with any other officers “at length” about the incident. Officer Huber said he has not spoken with any other officer(s) “at length” about the incident. He said officers have checked on his well-being, but he has not discussed the incident in detail with any other officer(s).

1:18:08 – SA Moran asked, “Is it fair to say that so, and I think you kind of mentioned it a little bit so, you had a plan at some point during this event when you see this, you activate your body camera, your, you radio um, to dispatch kind of where you are, potentially other officers coming, is it fair to say that this plan changes?” Officer Huber replied, “Yeah, unfortunately.” SA Moran asked, “And it changes due to the reasons why you described, the gunfire you heard, and then engaging, is that fair to say?” Officer Huber responded, “Correct. Correct. Yeah, my brain literally kind of, went in kind of, almost like, a subdued mode. So, when I saw him putting the rifle away my brain immediately kind of like, to calm me was just like, ‘Alright, it’s done now.’ And then I automatically started formulating, ‘Alright, we’re going to get some cars here. We’re going to surround the house. We’ll just do callouts over the P.A. behind the cars ‘cause we know he has a gun. And then this will all be over and can just you know, do our police-work and off we go.’ That was my thought process before the incident actually occurred.” SA Moran stated, “And then when the gunfire starts, your training and experience that’s...” Officer Huber stated, “Yeah, that’s what happened.” SA Moran continued, “into your mind.” Officer Huber said, “Absolutely.”

SA Moran asked Officer Huber if he believed his actions during the incident were consistent with his training and his experience. Officer Huber answered, “Yeah, a hundred percent.”

1:19:47 – SA Harasimchuk asked Officer Huber if he drove past the residence when he arrived. Officer Huber explained that he did not drive past the residence. He used the overhead scan to show where he parked his cruiser and where he saw the male subject enter the residence through the west side patio door. He said part of his cruiser in front of the residence. He explained how he exited his cruiser, made a “big loop” around the back of his cruiser and on the outside of the vehicle parked on the street before walking up on the porch. He was able to see through the front window and saw the male subject with the rifle. He moved off the porch and to the street on the southeast corner of the residence. Officer Huber did not see the male exit the residence on the west side and begin firing because he was positioned on the southeast corner of the residence in the street.

SA Harasimchuk asked Officer Huber to provide more details about what he saw, including the rifle barrel, before he decided to shoot. Officer Huber stated, “Sure. So, um, unsupported is kind

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of a term that I use. So, it was, it was, there was no rhyme or reason to where the barrel was going. It was just kind of going everywhere (raised right arm in the air and waved it side to side). Um, it almost seemed like it was going kind of like a, in away from me direction (moved raised right arm to the right), and then it was kind of going in this area (moved right arm to middle/center and moved back and forth), and then all of the sudden that stopped, and then it started immediately coming towards my side of the fence (moved raised right arm to his left and slightly down). So, there was no really rhyme or reason to how it was moving. It was kind of moving in every direction, but then as I rounded it you know, maybe one or two seconds later, I don't know what the exact time frame was, I see the rifle stop in that direction (raised right arm in the air to the right and stop), and then start coming directly towards my direction (moved raised right arm to the left and slightly down), and then all I see is like, the barrel and the constant gunfire (raised left hand simulating the barrel and moved right hand simulating the muzzle blasts and moved downward toward himself) coming towards my side of the fence, so..."

1:22:41 – SA Moran asked Officer Huber if anyone asked him to lie or tried to influence his statement to BCI agents. He responded, “No sir.”

Attorney Iams asked BCI agents if they wanted to discuss the placement of the body-worn camera in relation of Officer Huber's eye level. BCI agents asked Officer Huber if the measurements that BCI CSU SA Boerner took with the body-worn camera were as close as possible to the position that he wore it during the incident. Officer Huber showed BCI agents the body-worn camera holder that was affixed to the left side middle of his external vest. Attorney Iams asked Officer Huber if the camera's perspective was different than the perspective of his eyes. Officer Huber said when someone watches the video, “you can see a lot of fence” and he remembered seeing “tufts of smoke,” but the gunfire is not clearly shown. Officer Huber stated, “But, as I'm standing there, that's literally all I saw. Like, that's all I could see was a barrel and gunfire. So, when you watch my video just (used photo 7931 and pointed to middle/upper fence) just that, maybe that distance, you're looking at a lot of fence, and my eyes are looking (moved pointed finger to the top and slightly above the fence on photo 7931), I don't know how many inches it is (used hands to show his body-worn camera position compared to his eyes), maybe six, eight, ten inches um, from eyesight to camera. I didn't think it affected it as much as it did, but then you watch the video and you can definitely see that there's just a lot of fence and, I didn't see any fence really, I just saw the barrel of a gun and fire.”

SA Moran asked Officer Huber if his body-worn camera was positioned below where his pistol was raised and aimed when he fired. Officer Huber said it was below and when he extended his

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arms out with his pistol, it likely changed the angle of body camera just from his movement and when he put his arms back near his sides it returned the body camera to its resting or normal position. He believed that this movement likely affected the viewing angle or field-of-viewing of the body camera. SA Moran asked Officer Huber if he shoots with his body “squared up” toward the target or if he turned/bladed his body toward the target. Officer Huber said he has been trained, especially with the SWAT team, and generally shoots with his body facing the threat because that is where most of the body armor is located instead of exposing the sides where there is less body armor.

1:26:36 – SA Armstrong asked Officer Huber if he believed that his body-worn camera accurately reflected what he could see during the incident. Officer Huber answered, “Not what I could see. I think that it, no, I think that it encapsulates the event from like a, like a, almost like a step back like, ‘Hey, this is what happened.’ And if you could, you can hear it, you can see it, you can, but now that you think about it and even me just describing it, from the body camera you see tufts of smoke, which is the GSR coming off the barrel, but when I’m seeing it, I’m seeing it from a lot higher up so, you don’t see any barrel, but that’s all I could see. That’s all my brain was, my eyes were affixed on was a barrel and fire so, does it represent exactly what I saw? No. It represents the incident that took place, but not directly what I saw. Now, if I had you know, maybe some camera glasses or something that was directly on my eyesight then that might be a way better representation. Unfortunately, we just don’t have that. This is what we have (pointed to body camera position). So, it captured the event, but it didn’t capture everything that I saw, so...”

The interview ended at 1458 hours. Officer Huber and Attorney Iams declined the offer to view the body-worn camera video in the presence of BCI agents.

Items:

The video-recorded interview of Officer Huber was copied to a 16GB USB thumb drive and was submitted to the BCI case file as reference item K.

Attachments:

The BCI Criminal Investigation Notification form signed by Officer Huber was attached to this report. The audio recorded interview of Officer Huber was attached to this report. The overhead map, overhead scan and physical copies of photos 7883, 7894, 7912, 7931 and 8131 were also attached to this report.

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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).

ROBERTS HUBER

Printed Name of Interviewee

01/21/21 1315

Date / Time

RRR-HUBER #196

Signature of Interviewee

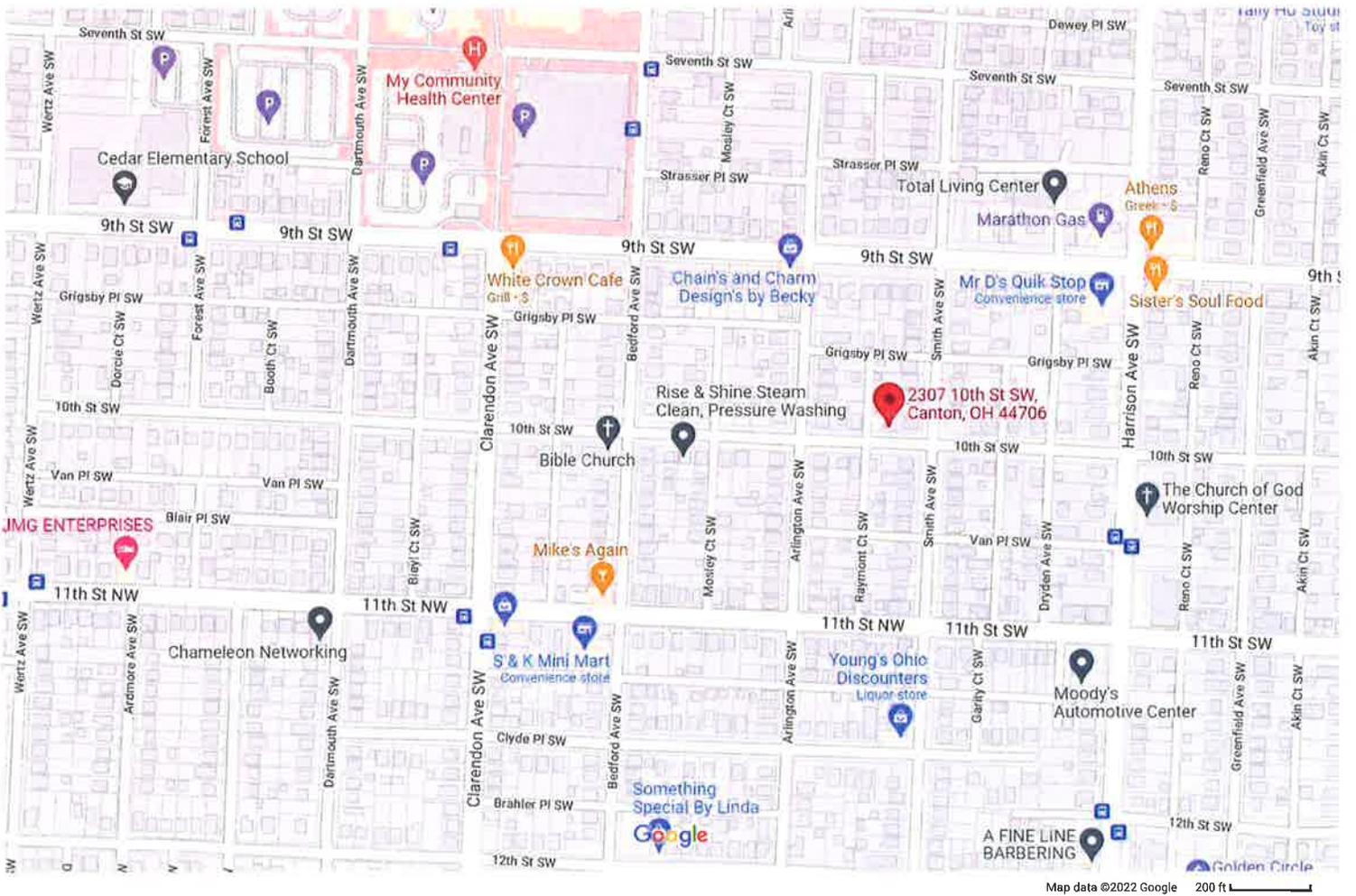
SA CHARLES MORAN #67

BCI Agent (Printed)

SA CM #67

BCI Agent (Signature)

Google Maps 2307 10th St SW





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To scale  
SA Dan Boerner #135











