



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



2022-0826

Officer-Involved Critical Incident - W. 46th Street, between Collins Blvd. and Valley View Blvd.

Investigative Activity: Interview with Officer
 Involves: APD Lt. [REDACTED]
 Activity Date: 5/5/2022
 Activity Location: Diemert & Associates, 1360 SOM Center Road, Mayfield Hts., Ohio 44124
 Authoring Agent: SA Jon Lieber #50

Narrative:

On Thursday, May 5, 2022, at 1033 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber (Lieber) and SA Cory Momchilov interviewed Ashtabula Police Department (APD) Lieutenant (Lt.) [REDACTED] ([REDACTED]), who was accompanied by his attorney, Tom Hanculak, from the Fraternal Order of Police. The interview took place at Diemert & Associates, 1360 SOM Center Road, Mayfield Heights, Ohio 44124. The interview was audio recorded.

Lt. [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: Lieutenant (Lt.) |
| Badge Number: [REDACTED] | Cruiser/Vehicle Number: Ford Explorer |
| Radio Call Sign: [REDACTED] | Immediate Supervisor: Lt. William Parkomaki |
| Radio Channel Utilized: [REDACTED] frequency | Mobile Data Terminal: Present; Not Used |
| Cruiser Description: Ford Explorer, white in color, APD markings on sides, Police on front hood and rear, overhead lightbar (red & blue) | Occupants of Cruiser and Seating Positions: No other occupants |
| Assignment: Shift supervisor | Normal Shift: 1900 to 0700 |
| In-Car Camera: Not Present | Spotlight: Present; Not utilized |
| Emergency Lights: Present; Not Utilized | Siren: Present; Not Used |

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| | |
|--|--|
| Shift Day of Incident: 1900 to 0700 | Duty Status: On-Duty |
| Days Off: Worked day before but was off on vacation for a week prior | Prior Overtime or Extra Details within Preceding 48 Hours: None |
| Hours of Sleep Prior to Incident: 5.5 hours | Consider Self Well Rested?: Yes |
| Total Length as Officer: 17 | Length at Current Agency: 12 |
| Physical Disabilities (to include hearing aid): None | Corrective Lenses: No Corrective Lenses |
| Uniform Worn: Dark blue pants & shirt, APD patch on both shoulders, cloth gold badge on chest | Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Handcuffs, Glock pistol, Leatherman tool, rubber gloves, radio, OC spray, Taser, spare magazines (2) |
| Ballistic Vest: Concealed Armor | Body Worn Camera: Present & Used |
| Other Recording Devices: None | Partner: None |
| Injuries: Knees and shins hurt from being in a prone position on concrete | Equipment Damage: Scuffs to boots and belt |
| Training or Areas of Specialty: SWAT (10 years), sniper (7-8 years) | OPOTC Certification: D.C. Metropolitan police academy. Ohio abbreviated academy at Kent State Trumbull |
| Military Experience/Training: None | Use-of-Force Training: Taser, beanbag shotgun, review of use of force policy at firearms qualifications |
| Prior Shooting Incidents: 2017 shot an armed burglar | Prior Discipline or Use-of-Force Complaints: No relevant discipline |
| Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None | Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None |
| Alcohol in Past 24 Hours? 3 beers last night | Last Consumed Alcohol Prior to Incident: Sunday night (April 10th) |

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Officer's Firearm(s):

Weapon #1

| | |
|---|--|
| Make: Glock | Model: 17 |
| Caliber/Gauge: 9 mm | Serial: N/A |
| Type: Semi-Auto Handgun | Method of Carry: Hip holster - right |
| Magazine Capacity: 17 | Total Rounds as Carried (including chamber): 17 + 1 = 18 |
| Extra Magazines: 2 | Number of Rounds in Extra Magazines: 17 rounds in each magazine (34 rounds total) |
| Discharged During Incident? No | Primary or Backup Weapon: Primary |
| Rounds Remaining After Incident: 52 total rounds 17 + 17 + 17 + 1 = 52 | Number of Rounds Fired: 0 |
| Right/Left-Handed Carry: Right-Handed | Ownership: Department Owned |
| Last Qualification Date: November 2021 | Type of Holster, if any: Hip holster |

Weapon #2

| | |
|---|--|
| Make: Ruger | Model: RPR |
| Caliber/Gauge: .308 caliber | Serial: N/A |
| Type: Rifle | Method of Carry: Bipod and bag rest |
| Magazine Capacity: 10 | Total Rounds as Carried (including chamber): 10 |
| Extra Magazines: 1 | Number of Rounds in Extra Magazines: 10 |
| Discharged During Incident? Yes | Primary or Backup Weapon: Primary |
| Rounds Remaining After Incident: 9 in primary magazine, 10 in extra magazine | Number of Rounds Fired: 1 |
| Right/Left-Handed Carry: Right-Handed | Ownership: Personally Owned |
| Last Qualification Date: Fall of 2021 | Type of Holster, if any: N/A |

Narrative:

██████████ stated that he was dispatched to the call with Patrolman Brandon Zukoski (Zukoski). The other two officers on shift, Sheri Allen (Allen) and Cody Caruso (Caruso), were currently on another service call. ██████████ and Zukoski were both at the APD at the time of the call. ██████████ stated that dispatch informed him that they received a call from a person stating that there was a

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male walking down the middle of the street with a shotgun. A second call came from the subject himself, David Ward Jr. (Ward). Ward stated that he was suicidal, he wanted to die and that he was going to shoot at the first police officer that he sees. Dispatch stated that the subject was on the Spring Street bridge. ██████ said that this is an old name for the bridge and that it is the 46th Street bridge that connects the east and west sides of the city. ██████ said that the bridge is less than two blocks from the police department. ██████ stated that he decided to walk to the bridge on foot instead of taking his patrol vehicle. ██████ stated that in the past, he has been successful walking to a call because people don't expect an officer to arrive on foot. Zukoski drove his patrol vehicle to the scene because he is a K-9 handler and the dog could be useful.

When ██████ first arrived on the west side of the bridge, he could see the silhouette of a person very near to the east side of the bridge. At this time, ██████ radioed Allen and Caruso to see if they had cleared their previous service call. Allen and Caruso confirmed that they were on their way to the bridge. Ultimately, Allen and Caruso were sent to the east side of the bridge to block off traffic in the 1600 block area of 46th Street. ██████ stated that he didn't want to rush the situation. He was planning to let the subject have the bridge to himself, in an attempt to reach a peaceful solution.

██████ then returned to his patrol vehicle and drove it to the west end of the bridge. Due to the distance from Ward, ██████ retrieved his scoped rifle so that he could see the subject better. ██████ and Zukoski positioned their vehicles to block traffic on the west end of the bridge. They also called for EMS to stage nearby. About five to ten minutes into the incident, Allen asked dispatch to redirect the call with Ward to her. ██████ stated that Allen is a certified crisis negotiator. ██████ contacted Lt. William Parkomaki (Parkomaki) to see about calling out the SWAT team and getting assistance from the sheriff's office since the entire APD shift was now on the current service call.

As time passed, Ward would hang up on Allen and then they would have to reestablish communication. ██████ stated that he could tell that things were not going well. Allen was relaying information to Zukoski that Ward was saying that this is his wish and he wants to die. Allen also stated that Ward was getting upset because he thought that APD only sent one officer, Allen, to the incident involving Ward. ██████ said that at that time, Ward didn't know that the other officers were on scene. ██████ stated that after about one hour, Ward told Allen that he saw the trooper and the other officers, and that he is going to do this. ██████ stated that multiple times Ward would walk toward the west and then stop and smoke a cigarette. When Ward would stop, he would generally sit down and rest the shotgun against the guardrail on the bridge. ██████ said that he thought that Ward was working up the courage to go through with his threats. ██████ was watching Ward through the scope on his rifle. Eventually, ██████ felt

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that Ward was within shouting distance. ██████ yelled, "Drop the gun." Zukoski then yelled, "Police don't move." ██████ continued to yell, "Drop the gun."

Ward walked closer and then set the shotgun down for a moment and adjusted himself. Ward then picked the gun up again. ██████ said that Ward's entire silhouette was occupying the viewable area of his scope. ██████ could see Ward's left hand on the barrel of the shotgun and his other arm holding the shotgun in a port arms position. ██████ stated that his Apple watch was sending him alerts that his pulse was at 124 and the watch could tell that he wasn't moving. The watch was sending an alert to see if it should call 911.

Ward then started to run toward ██████ and Zukoski. ██████ stated that he fired one round at Ward. ██████ stated that he didn't know the exact distance that Ward was away from them. ██████ stated that he thought Ward was going to follow through with his threat to shoot at the police. ██████ also said that he knew that Ward made multiple statements to dispatch and to Allen that he wants to die. ██████ stated that he made his and Zukoski's presence known when they yelled to Ward to drop the gun. ██████ stated that a shotgun can kill from a distance and he didn't want Ward to get even closer with the shotgun.

SA Lieber asked how Allen and Zukoski were communicating with each other. ██████ stated that it was either through text message or cell phone conversations. During the incident, Zukoski was positioned approximately eight to nine yards away from ██████. Zukoski would relay the information he learned from Allen to ██████. ██████ stated that he was on the sidewalk on the north side of the bridge.

SA Lieber asked if ██████ ever used a range finder to get a distance on Ward. ██████ stated that he tried to but the best he could do was use a light pole as the reference point. The light pole was 186 yards away. SA Lieber asked if ██████'s rifle scope is variable power. ██████ stated that it is 4x-16x variable power (Vortex PST scope). At the time of the shooting, ██████ believes that the scope was at 16x because he didn't get a chance to power down the scope as Ward got closer to them.

SA Lieber asked if ██████ knew where the trooper was located at the time of the shooting. ██████ stated that he told the trooper to take a position at 45th Street and Collins Boulevard. This would alleviate any traffic coming south on Collins Blvd., toward the bridge. ██████ did not know if the trooper would have been able to see Ward at the time of the shooting.

████████ stated that he has not had any prior dealings with Ward. ██████ stated that the Ashtabula Fire Department provided medical care to Ward immediately after the shooting. ██████ stated that it was dark outside but there was adequate street light to allow ██████ to

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see what Ward was doing. [REDACTED] did not know what the distance to Ward was at the time of the shooting. [REDACTED] stated that he was in a prone position when he fired at Ward.

[REDACTED] stated that he did review his body-camera video prior to his interview with investigators. [REDACTED] stated that in reviewing the video, it did not change his recollection of the incident.

The interview concluded at approximately 1118 hours.

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.

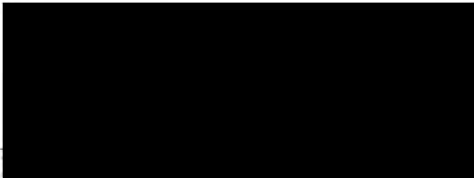


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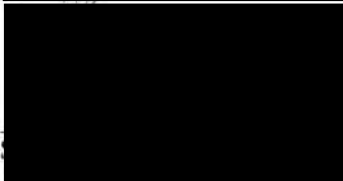


Criminal Investigation Notification

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).



5.5.72 1032
Date / Time



Jon Lieber

BCI Agent (Printed)

S/A [Signature] #50

BCI Agent (Signature)