



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



2024-2614

Officer Involved Critical Incident - 1309 Yellowstone Road,
Cleveland Heights, Ohio 44121

Investigative Activity: Officer Interview – [REDACTED]
Involves: [REDACTED]
Activity Date: 09/19/2024
Activity Location: Ohio Patrolmen's Benevolent Association (OPBA) Office
10147 Royalton Road #J, North Royalton, Ohio 44133
Authoring Agent: SA Allison Fletcher #187

Narrative:

On Thursday, September 19, 2024, at approximately 1056 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente (Valente) and SA Allison Fletcher (Fletcher) interviewed Cleveland Heights Police Department (CHPD) [REDACTED] who was accompanied by his attorney, Dan Leffler (Leffler), from the Ohio Patrolmen's Benevolent Association (OPBA). Also present was Amanda Hays who was an employee of the OPBA. The interview took place at the OPBA office in North Royalton, Ohio. The interview was audio and video recorded. The audio recording has been attached to this report. The video recording has been stored in the BCI case file as Reference Item L.

[REDACTED] read, indicated he understood, and signed the BCI Criminal Investigation Notification form.

During the course of the interview, agents utilized tactics designed to illicit truthful responses and to test the veracity of information provided. As many of the details of the investigation into the incident were publicly available, it was necessary to utilize alternative tactics (beyond the typical methodology of retaining confidential "holdout" information regarding the incident and then comparing/contrasting witness statements with information that could only be known by those with actual knowledge of the incident). These tactics include developing rapport and potentially providing information known to be erroneous. Therefore, misstatements of facts or evidence in the recorded interview by the interviewing agents are intentional and align with the strategy for the overall investigative plan.

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

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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: [REDACTED]
Badge Number: [REDACTED]	Cruiser/Vehicle Number: [REDACTED]
Radio Call Sign: [REDACTED]	Immediate Supervisor: Lt. Gideon
Radio Channel Utilized: CHPD 1	Mobile Data Terminal: Yes, utilized
Cruiser Description: Black vehicle with Cleveland Heights Police decals	Occupants of Cruiser and Seating Positions: Driver, only occupant
Emergency Lights: Yes, utilized	Partner: None
Siren: Yes, utilized	Spotlight: Yes, not used
Assignment: Did not recall	Normal Shift: [REDACTED]
Shift Day of Incident: 6p-6a	Duty Status: On-duty
Days Off: Monday and Tuesday prior	Prior Overtime or Extra Details within Preceding 48 Hours: Worked a side job on Monday and Tuesday 8p-6a
Hours of Sleep Prior to Incident: 6-7 hours	Consider Self Well Rested?: Yes
Physical Disabilities (to include hearing aid): None	Corrective Lenses: None
Total Length as Officer: [REDACTED]	Length at Current Agency: [REDACTED]
Previous LE Experience: None	OPOTC Certification: Cleveland Heights Police Academy
Military Experience/Training: [REDACTED]	Training or Areas of Specialty: Photography, fingerprinting
Use-of-Force Training: Annual	CIT/SWAT/Force Science Training: CIT
Uniform Worn: CHPD shirt with patches, cargo pants, black tennis shoes, outer-carrier vest ("Police" on front and back)	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Body camera, handcuffs, radio, firearm, flashlight, magazines
Ballistic Vest: Yes, outer carrier	Body Worn Camera: Yes, utilized

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In-Car Camera: None	Other Recording Devices: None
Injuries: None	Equipment Damage: None
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: None

Officer's Firearm(s):

Weapon #1

Make: Glock	Model: 17 Gen 5
Caliber/Gauge: 9mm	Serial: Unknown
Type: Handgun	Method of Carry:
Magazine Capacity: 17	Total Rounds as Carried (including chamber): 17 + 1
Extra Magazines: 2	Number of Rounds in Extra Magazines: 17 + 17
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: Unknown	Number of Rounds Fired: Unknown
Right/Left-Handed Carry: Right	Ownership: Department Owned
Last Qualification Date: Earlier this year	Type of Holster, if any: Unknown, thumb release without hood.

Video Reviewed:

Prior to the interview, [REDACTED] did not watch his body camera footage, nor did he watch any of the other officers' body camera footage.

Narrative:

After obtaining the preliminary and demographic information, [REDACTED] provided the following information related to the incident on August 29, 2024:

While working his normal patrol duties, [REDACTED] was dispatched to 1309 Yellowstone Road for a disturbance where two males were arguing, and one of the males had a firearm. [REDACTED] did not recall receiving any additional updates from dispatch.

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While responding to the location, [REDACTED] formulated a plan to locate and speak with subjects on scene to gather more information. He was unfamiliar with the residence; however, he would later remember the involved subject, Christian Thomas (Christian), from a prior call for service. During the previous call for service, a friend of Christian's overdosed and [REDACTED] was one of the responding officers. Aside from that encounter, [REDACTED] had no prior interactions with any of the parties at 1309 Yellowstone Road.

When [REDACTED] arrived at 1309 Yellowstone Road, he observed [REDACTED] standing on the front porch of 1309 Yellowstone Road speaking to two females. The two females were later identified as Christian's sisters. One of the sisters notified officers that her father, Ferrel Thomas (Ferrel), was in the house with her brother, Christian, who had a firearm. She also stated Christian had fired the gun inside the home prior to officers arriving at the residence.

[REDACTED] moved the two sisters away from the residence and into the roadway (Yellowstone Road). Officers Elizabeth Perez (Perez) and Abrianna Franklin (Franklin) arrived at the residence and took a position at the rear of the residence to begin setting up a perimeter. [REDACTED] remained in the roadway with the sisters (Genesis Thomas and Jacquelyn Fortson) and [REDACTED] took a position behind a large tree in the front yard between 1309 Yellowstone Road and 1315 Yellowstone Road.

Additional officers began arriving on scene, including Officer Brian Ondercin, Officer Michael Dugan, [REDACTED] and Officer Joseph El Biri.

[REDACTED] made contact with Ferrel on the phone and heard Ferrel yell "get your finger off the trigger." This information was relayed to other officers on scene over the radio. During that time, [REDACTED] heard Ferrel and Christian yelling and arguing inside the home.

Officers at the rear perimeter notified other officers on scene over the radio that they had observed Christian at the back door.

[REDACTED] remained at his location behind the large tree. Ferrel opened the front door, motioned for officers to enter, and then walked away leaving the door open. No officers entered the residence.

[REDACTED] requested a negotiator to respond to the location and a squad was requested by another officer to stage at a nearby location. As the incident progressed, a SWAT team response was also requested.

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Ferrel finally exited the residence leaving the front door open. While exiting, Ferrel made statements to officers about Christian taking psychedelics.

Christian then stood at the open front door. He had the firearm in his hand, finger on the trigger, and waved the gun above his head in a manic way. Christian was also yelling indiscernible statements until he shut the door.

After a few minutes, [REDACTED] heard a loud crash/breaking sound coming from the north side of the residence between 1309 Yellowstone Road and 1305 Yellowstone Road. He also heard Officer Perez yell something to the effect of "show me your hands" or "stop".

[REDACTED] heard one gun shot. He was unsure who had fired and began walking north towards the side yard between 1309 Yellowstone Road and 1305 Yellowstone Road. [REDACTED] then heard "a volley of gunfire" causing him to return to cover behind the large tree in the front yard. He was unable to observe anything and only heard the gunfire. [REDACTED] was able to discern the gunfire as rifle rounds due to the louder percussive sound.

The gunfire stopped for "one second." [REDACTED] then saw Christian running from the side yard between 1309 Yellowstone Road and 1305 Yellowstone Road. He described Christian as a figure with dreads and no shirt. Christian began running towards the roadway then made a sharp right turn and began running towards the driveway of 1305 Yellowstone Road. [REDACTED] said, "I knew he had a gun and was possibly armed and a threat, that's when I began to go northbound, and I discharged my weapon" [23:10]. [REDACTED] fired his gun approximately 5-6 times and believed he was approximately 20 yards from Christian.

While firing his weapon, [REDACTED] heard rifle rounds being fired. He could not recall hearing his own gunfire. The additional gunfire from the rifle stopped when [REDACTED] stopped firing. He then observed [REDACTED] exit the side yard.

Christian continued to run towards the driveway of 1305 Yellowstone Road. He eventually fell to the ground in the driveway on his left side. Officers were unable to observe his hands and began giving Christian commands to show his hands. Christian did not respond. Officers then approached and began rendering aid to Christian.

During the incident [REDACTED] did not provide any commands to Christian nor did he believe there was an opportunity to give commands. Christian made no direct statements during the incident.

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██████████ stated he fired his gun because Christian “was an imminent threat, he already uh, fired the weapon before we arrived from what the females outside told us... he’s clearly not in the right state of mind, his father said he was on psychedelics... possibly going through some other mental health issues” [33:15]. ██████████ was also unsure if the gunfire prior to him firing his weapon was Christian firing a gun, or officers. All he knew was that Christian was armed and that he was a threat.

██████████ feared for his safety, the safety of other officers on scene, and for the safety of the family members on scene. ██████████ believed Christian was “not in the right state of mind” and he was “clearly a danger to everybody there.”

██████████ believed his actions were consistent with his training and he did not believe he had any other options available to him other than using deadly force.

██████████ consented to a review of any reports he completed in the future.

References:

Reference Item L – ██████████ Interview Video

Attachments:

1. Audio Interview ██████████
2. ██████████ Criminal Investigation Notification Form
3. ██████████ Scene Marked Diagram

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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]

Printed Name of Interviewee

9-19-24 1054

Date / Time

[Redacted]

Signature of Interviewee

NICK VALENTE #139

BCI Agent (Printed)

[Signature]

BCI Agent (Signature)



4 — YELLOWSTONE RD. — A

9-19-24 1138