



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



2022-1356

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

Investigative Activity: Interview with Officer Eric Powell
Activity Date: August 02, 2022
Authoring Agent: Special Agent Cory Momchilov #64

Narrative:

On Tuesday, August 02, 2022, at 1217 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Joseph Goudy interviewed Akron Police Department (APD) Officer Eric Powell (Powell), who was accompanied by his attorney, Michael Callahan, from the Fraternal Order of Police. The interview took place at the law offices of Malarcik, Pierce, Munyer, & Will. Fraternal Order of Police Akron Lodge #7 President Clay Cozart was also present during the interview.

The interview was audio and video recorded.

Officer Powell was identified as being a police officer who witnessed and/or had some level of involvement in the June 27, 2022, officer-involved shooting which occurred in the area of 1659 South Main Street, Akron, Ohio. Reportedly, Officer Powell did not discharge a firearm during the course of the incident. The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

Officer Powell stated his radio call sign on June 27, 2022, was Car 22. Officer Powell has been a police officer for approximately four years, all with the Akron Police Department. Officer Powell wore his standard police uniform. He also wore an external ballistic vest and duty belt. Officer Powell was the passenger of APD Car 22, a Ford Explorer marked with APD emblems and emergency lights; his partner, Officer Connor, was the passenger. Officer Powell considered himself to be well-represented as a police officer during the incident. He stated he was not under the influence of any substance that would impair his memory or judgment during the incident or during the interview with BCI. He does wear corrective lenses and was wearing contact lenses at the time of incident.

SA Momchilov asked Officer Powell if he could describe his involvement in the incident. Officer Powell stated he and Officer Connor were on the highway and exited at the Archwood Avenue exit. Officer Powell advised they were three or four cars behind the pursuing vehicle. Officer Powell further advised that as they were on Wilbeth Road, he observed the fleeing vehicle slowing down and then stop. The driver exited the vehicle from the driver's side. Officer Powell stated that he then exited the cruiser. Officer Powell further stated, "There is a few officers in front of me, I see the suspect on the passenger side of the vehicle, um the passenger

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side doors open, I see him go inside the vehicle and then start to run away again, um, officers start, um, you know, running after him, I'm running after him as well, there still in front of me. I know, I believe somebody deployed a Taser, I don't know who it was, I remember the cords from the Taser, um, you know, in the open. As we're still running I see the suspect fall to the ground, um there were other officers still in front of me so I had bit of an obstructed view but I do remember the, um, suspect on the ground, see if I can, he like planted his foot like he's trying to get back up, um, that's when I, officers, you know, discharged their firearms, um, I was still behind and had an obstructed view and officers were on the right of me as well. They, after that, there was, Officer Barns said, you know, we need to get the person in handcuffs, stated to kind of close up a little bit, um. Once he was in handcuffs, the vehicle that the gentleman was driving um, said that we needed to go check that it was into the building, I think it's the brick building, I don't remember, it's on the south side of the street, um. From there, we approached from the passenger side with a few officers in front of me, cleared it, um then I advised one of them, I believe it was Officer Marcum, who was on the driver's side to stay with the vehicle. Once that was done, had him, like I said, stay with it, we, then I went and ah got tape up, put some tape up, waited for EMS to or fire to get through the tape and then block that off."

At this point in the interview, agents began asking Officer Powell follow-up questions.

SA Momchilov stated, "So, lets back up, you were in the passenger seat, your partner was driving." SA Momchilov then asked, "Where were you guys at when you heard another unit initiate a traffic stop?"

Officer Powell replied, "Yeah, so we were actually, I believe it is, it'll be Summit and, its Perkins, technically turns into MLK, um, there's a stoplight right there, um, that's were we heard the, that they were chasing southbound on Route 8, um, there was a vehicle that had passed us, in front of us going eastbound on Perkins or if it's technically MLK. I don't remember exactly where it changes right there, um so we get up to Route 8 south, hop on the highway right there and um, before we got on the actual highway is where we heard, you know, it said shots fired at us and he called for a 21, you know, the officer needs help."

SA Momchilov asked, "So signal 21, is that like all hands on deck?"

Officer Powell responded, "Yeah that's basically if any officer calls for it, any, basically any available officer is going."

SA Momchilov then asked, "So no matter where you are at in the city, you're responding to the..." Officer Powell responded, "Yes sir."

SA Momchilov stated, "I believe that you said, in the pursuit you guys were three cars back."

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Officer Powell responded, "Three or four," and explained that when the pursuit started, Car [REDACTED] (Officers [REDACTED] and [REDACTED], the cruiser that attempted to initiate the traffic stop, was in the lead, followed by Officer [REDACTED] (Car [REDACTED] and then Officer Powell and Connor (Car 22). At some point, another cruiser got in front of Car [REDACTED] which would have made Car 22 the fourth vehicle in the pursuit. Officer Powell was asked if there was anything unusual about the pursuit. Officer Powell advised that he believed that the individual was driving under the speed limit on Route 8. Officer Powell further advised that this pursuit was "definitely slower" than other pursuits that he had been involved with.

SA Momchilov stated, "Alright, at one point, the car, the subject's car comes to a stop." Officer Powell responded, "So it, to us it looked like it was coming to a stop, um, that's why all the cars in front of us, cruisers stopped, so we hopped out, as I got out you could see that the car was still rolling a little bit, so people were running towards the vehicle still, um, I don't remember seeing him get out of the actual driver's side but as, with the vehicles and other officers in front of me, um, like I said bit of an obstructed view, the first thing I remember seeing him on the passenger side, going into the passenger side of the vehicle."

SA Momchilov responded, "How did you know he got out the driver's side?" Officer Powell responded, "I don't know" and "I do not recall seeing him get out of the driver's side, um." SA Momchilov then responded, "So, you saw him get out the passenger side?" Officer Powell stated, "I saw him at the passenger side, while the vehicle was still rolling a little bit, go into the vehicle and come back out."

SA Momchilov replied, "Okay, I'm just a little confused, he got out of the car and went back into the car." Officer Powell clarified by stating, "So, um, so what I saw, let me see if I can, as I, as we were getting out, like as I hopped out of the car the vehicle was, you know, a little ways ahead of us, there were, you know, three, four cars in front of us, um, I, I do not remember seeing the suspect get out of the driver's side of the vehicle. I just, when I hopped out, you know, I make sure, trying to make sure everyone is around me, wherever that is, I just remember seeing him at the passenger side front door. He went inside and got out and that's when he started running away."

SA Momchilov stated, "Like his whole body went inside." Officer Powell responded, "I don't recall if it was his whole body."

SA Momchilov stated, "Now you said you did not see him get out of the driver's side?" Officer Powell responded, "No sir." SA Momchilov replied, "Do you know if he got out of the driver's side, did anybody tell you that he did, or anything along those lines?" Officer Powell stated, "No."

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SA Momchilov asked Officer Powell how far away he was from the individual and the other officers as they were running. Officer Powell estimated that he was five to eight feet away from the officers and the individual was “another five feet from them, maybe.”

SA Momchilov stated, “And I think you said at one point the subject fell on the ground?” Officer Powell responded, “I remember him like falling to the ground in the parking lot there where it was like the concrete or bricks, whatever it was.” SA Momchilov then asked Officer Powell if the subject fell prior to shots being fired. Officer Powell replied, “Yes sir.”

SA Momchilov then stated, “So he falls on the ground, prior to shots being fired. He gets back up?” Officer Powell replied, “I don’t see him get back up, I just see him as he is on the ground, he looks like he’s trying to set his foot to turn, possibly to get back up.”

SA Momchilov stated, “Okay, is that when you heard fire or saw fire.” Officer Powell replied, “Um, I, it was pretty close to that point in time.”

SA Momchilov asked Officer Powell if he could see any other movement the individual was making when he was on the ground. Officer Powell stated he could not and that officers were still in front of him at that time.



Based upon Officer Powell’s body-worn camera footage, the above image is moments before gunfire is heard.

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Based upon Officer Powell's body-worn camera footage, the above image is the moment after gunfire ends.

SA Momchilov asked Officer Powell if his gun was out at this time. Officer Powell stated he did not recall but advised that there was a good chance that it was, due to the nature of the incident.

SA Momchilov asked Officer Powell if he could tell which officers were firing. Officer Powell replied, "At that point in time, um, I believe in front of me I could, at that time I don't know, you know, I said, there's officers on the right side of me, at the time wouldn't of know who it was."

SA Momchilov explained that it appeared that the officer involved formed an L-shape formation. SA Momchilov asked Officer Powell where he was in relation to the L shape. Officer Powell advised he was to the back of the 90-degree area of the L shape and that his view of the individual was obstructed.

SA Momchilov asked Officer Powell if he had any conversations with the officers who had fired their weapons. Officer Powell stated that he did but nothing regarding the incident.

SA Momchilov asked Officer Powell if he looked inside the individual's vehicle after the incident. Officer Powell stated he was the third officer in line when they approached the individual's vehicle. The two officers in front of Officer Powell advised that the vehicle was clear. Officer Powell stated he might of glanced into the backseat but never went inside the vehicle or conducted an inventory. Officer Powell later stated another officer did say that there was a gun inside the vehicle.

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SA Momchilov asked Officer Powell if he had a chance to review his body-worn camera footage. Officer Powell stated he viewed his body-worn camera footage on one occasion. SA Momchilov then asked Officer Powell if he watched any other officer's body-worn camera footage. Officer Powell explained that he saw some snippets of other officer's body-worn camera footage on the news. SA Momchilov asked Officer Powell if he was basing his statement off of the recollection of the incident or from what he observed on the body-worn camera footage. Officer Powell responded, "I would say it's mainly off of recollection, obviously, I, you know, watched my own so there's a few things that, your, I would say, you know, a little bit based off of that but the majority is recollection."

After the interview, Officer Powell was afforded the opportunity to view his body-worn camera footage again. Afterward, no further statements were obtained.

Reference Items:

The video recordings of the interview were placed onto a DVD and were labeled as Reference Item L.

Attachments:

The audio recording of the interview is attached to this report

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