



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



Officer-Involved Critical Incident – 2022-0535

To: Melissa Schiffel, Delaware County Prosecutor
From: Todd Fortner #93, Special Agent, Ohio BCI
Date: June 10, 2022
Involves: CPD Officers Joseph Valiski, Nathan Komisarek and Aaron Getzinger
BCI Case Numbers: 2022-0535
BCI Laboratory: 22-12392

Investigative Request

On Friday, March 11, 2022, Sheriff Russell Martin of the Delaware County Sheriff's Office requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer-involved shooting incident. The incident reportedly occurred on March 11, 2022, in the area of Interstate 71 near mile marker 123, and resulted in the injury of Jonathon Myers.

Preface:

This report serves as a synopsis of the investigation into the March 11, 2022 officer-involved shooting in Delaware County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.



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Investigative Team

Lead BCI Special Agent:

- SA Todd Fortner

Assisting Investigative BCI Special Agents:

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- SA Matthew Collins
- SA John Butterworth
- SA James Poole
- SA Shane Hanshaw
- SA James Gore
- SA Jonathan Scale
- SA John Rodriguez

BCI Crime Scene Special Agents:

- SA Chad Holcomb
- SA Shawn Rowley

BCI Investigative Supervisor:

- Special Agent Supervisor Will Jones
- Special Agent Supervisor Kevin Barbeau
- Special Agent Supervisor Josh Durst

Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation, by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Recorded interview(s) of the three officers who discharged their weapons
- Recorded interviews of five officers who were involved in the incident, at the scene, or otherwise deemed to potentially have relevant information
- Recorded interview(s) of the involved subject and others subjects directly involved in the incident
- Interviews of three civilian witnesses to the incident

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- Interviews of two family members or associates of the subject
- Obtained and reviewed police reports of prior law enforcement contacts with the subject
- Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving records, etc.
- FBI National Crime Information Center (NCIC) checks on any non-law enforcement weapons involved in the incident (to determine if reported stolen)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace on any non-law enforcement weapons involved in the incident (to determine ownership history)
- Review of all available dash cameras involved in the incident
- Review of all available body cameras involved in the incident
- Review of all available surveillance video which captured any portion of the incident
- Processing of the scene for potential evidence (photographing, searching, measuring, documenting, and collecting)
- 3D scans / model of incident area
- Processing of involved vehicle(s) for potential evidence
- Reviewed audio communications on the radio frequencies utilized during the incident
- Review of 911/phone communications related to the incident
- Review of dispatch/CAD records pertaining to the incident
- Review of the department's reports, photographs, and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement
- Conducted forensic laboratory examinations to include:
 1. Firearm identification testing of involved firearms, casings, and bullets
 2. Firearm operability testing
- Collected and reviewed the departmental personnel files of the officers involved in the shooting, to include training and disciplinary records (if any)
- Reviewed firearm qualification and training records for involved officers
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officer(s) who discharged their weapons
- Obtained the department's policies and procedures regarding use of force for prosecutorial review
- Reviewed medical records of those injured, obtained through search warrant
- Reviewed EMS records pertaining to their response and the treatment administered



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- Reviewed tips, social media posts, and pertinent statements made in the media regarding the incident

Incident Summary/Overview

On March 11, 2022, Columbus Division of Police (CPD) responded to reports of a male subject walking in traffic on I-71 in the area of Polaris Parkway. 911 callers reported that the subject had a gun and was firing at vehicles. Several officers responded and located the subject, later identified as Jonathon Myers (Myers), north of the Polaris area just inside Delaware County. The subject was in the median with a female near a vehicle.

Police began giving Myers orders to stop and show his hand but Myers did not comply and began walking northbound in the roadway. Several officers followed behind using a cruiser for cover. Myers began to run, then turned and fired a pistol in the direction of the officers, apparently striking the hood of the cruiser. Officers returned fire and Myers continued running and pointing the weapon at officers. Myers stopped on the right shoulder with the gun still in hand. Two officers with patrol rifles fired and Myers fell to the ground.

Officers provided medical aid to Myers and called for EMS. The scene was secured. Myers was transported to Grant Medical Center where he was treated for a single gunshot wound to the leg. It was also found that he tested positive for multiple drugs.

It was learned that the subject and vehicle had been involved with shooting at another vehicle on the west side of Columbus earlier in the day.

Subsequent Investigation

Video Review

Video footage was obtained from ODOT traffic cameras, civilian cell phone cameras, and police dash board and body worn cameras. The videos appeared to show Myers walking back and forth across lanes of traffic and not complying with police when they arrived. Myers began to run and turned, firing a weapon back in the direction of police. The police then appeared to return fire.

Medical Records

The medical records for the subject (Jonathon Myers) were obtained from the Ohio Health Grant Medical Center. A review of those documents revealed the following information:



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Physical Evidence and Laboratory Reports

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

The BCI Firearms Section performed an analysis of the officers' firearms, as well as the firearm-related evidence collected from the scene, and vehicles (casings and bullets). By comparing evidentiary cartridge casings/projectiles to known standards from each weapon, identifications were able to be made as to which casings/projectiles were fired from each firearm. Of the casings/projectiles recovered, the following identifications were made:

- Five cartridge casings and one bullet fragment were identified as coming from the Glock 9mm pistol found with Myers
- 17 cartridge casings and one bullet fragment were identified as coming from the S&W pistol recovered from Ofc. Valiski
- One .223 cal. casing was identified as coming from the rifle recovered from Ofc. Getzinger

Investigative Interviews

The following information comprises extremely abbreviated versions of the statements made by the witness and/or participants of this incident deemed by the author to be of most relevance to the overall understanding of the incident. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview, including those not synopsized below.

Relatives

Agents interviewed Myers mother, Monique Clifton, and Monica Howard, who has a child in common with Myers. Both advised that Myers had been paranoid and thought people were after him. They said he had been awake for days and may have been using pills. Neither knew that Myers had a gun nor witnessed the shooting incident with police.



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Civilian witnesses

Four civilians (Basista, DeTemple and the Awwillers) witnessed the incident from their vehicles on the southbound side of I-71. They said they saw the subject (Myers) walking/jogging northbound on the other side of the road, followed by several police officers. They all saw/heard Myers turn and fire multiple shots at officers from a pistol. The police then returned fire. They heard more shot and one of them saw Myers fall to the ground. Cell phone videos of the incident were recorded by the Awwillers.

Witness Officers

Five CPD officers were interviewed as witnesses to the incident and reportedly did not fire their weapons. Ofc. Baughman, Ofc. Vellie, Ofc. Rippey, Ofc. Hudson and Ofc. Rennie were interviewed and made similar statements about the incident. They stated Officer Valiski was following Myers in his cruiser and other officers were on foot using the cruiser as cover. Myers, who was not complying with officers' commands, turned and fired at officers. A few officers returned fire and Myers fell to the ground. Aid was then provided to Myers.

Officer Joseph Valiski

Officer Nathan Komisarek

Officer Aaron Getzinger

Officers Valiski, Komisarek and Getzinger were interviewed separately with their attorneys present and also provided written statements. The officers gave similar statements and admitted firing their weapons during the incident.

- Ofc. Valiski was driving his cruiser, following Myers, when Myers turned and fired multiple shots at Ofc. Valiski, striking the hood of the cruiser. He stated he returned fire with his S&W pistol through the windshield of the cruiser.
- Ofc. Getzinger took a flanking position on the left side of the road and Ofc. Komisarek was on the right. Both were armed with rifles.
- Ofc. Getzinger and Komisarek fired one shot each from their patrol rifles, almost simultaneously, following the exchange of fire between Myers and Ofc. Valiski.
- Myers was struck one time in the leg and fell to the ground. Aid was then provided.



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Jonathon Myers

Myers was interviewed at CPD headquarters following his release from Grant Hospital. Myers stated he had been up for four days and was taking large amounts of various drugs with suicidal intentions. He stated he was wanted by police for prior charges and wanted to take the easy way out. He said he didn't want to hurt anyone but himself. SA Fortner pressed for further details and mentioned the surveillance video of the incident and Myers requested an attorney and terminated the interview.

Summary

All persons known to have relevant information regarding this investigation have been interviewed (or attempted), and all known pertinent records and evidence have been obtained and reviewed. BCI will continue to offer investigative assistance into any newly identified witnesses or information relative to this criminal investigation. BCI's investigation into this officer-involved critical incident is concluded unless such new information/witnesses is/are identified through grand jury or other means.

Agents remain available for consultation and/or to perform any additional investigation, analysis, processing and/or other assistance/involvement you might deem to be necessary.

Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Todd Fortner. SA Fortner can be reached via email at todd.fortner@OhioAGO.gov or by telephone, at (740) 213-6720.