



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



2023-2234  
Officer Involved Critical Incident – 2001 E. Livingston St., Celina,  
Oh. 45822

**Investigative Activity:** Interview with Officer  
**Involves:** Officer David Powell (O)  
**Date of Activity:** 09/05/2023  
**Activity Location:** Powell, Officer David – Business – 202 North Main Street, Celina,  
OH 45822, Mercer County  
**Author:** SA Jason A. Snyder, #176

**Narrative:**

On September 05, 2023, Special Agent (SA) Jason Snyder (Snyder) and Special Agent Tiffany Najmulski (Najmulski), with the Ohio Attorney General's Office Bureau of Criminal Investigation (BCI), conducted a recorded interview of Patrolman (Ptl.) Dave Powell (Powell). The interview was conducted at the Celina Police Department (Celina PD), located at 202 N. Main St. A, Celina, Oh. 45822.

Both SA Snyder and Ptl. Powell agreed to meet this date and location. Ptl. Powell was advised that he did not have to talk to agents and could leave at any time. Powell voluntarily agreed to speak to agents. Before taping began, SA Snyder introduced himself and briefly explained who he was and why he was there.

SA Snyder advised Ptl. Powell that he was conducting a criminal investigation. SA Snyder advised Ptl. Powell that he was not conducting a "Garrity" investigation. Ptl. Powell was given a Criminal Investigation Notification (CIN) form (see attached). Ptl. Powell signed the CIN acknowledging he understood what the form was notifying him of. Also present during the interview was Ptl. Powell's attorney, Attorney (Atty.) John R. Sauter (Sauter).

Ptl. Powell presented agents with a written statement which stated Ptl. Powell was a high school graduate. He has been in law enforcement since 2008. During the incident, Ptl. Powell was well rested, wearing a complete police uniform, and driving an issued law enforcement vehicle. Ptl. Powell's unit number is 11. For additional information, see the attached statement of Ptl. Powell.

SA Snyder asked Ptl. Powell about an incident concerning a Corey C. Andrew (Andrew) on August 25, 2023. Ptl. Powell was patrolling the park area where he saw a grey in color Chevy Trailblazer. He turned off his lights and parked his cruiser near the entrance about 50 or 60

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Approved By SAS Scott A. Stranahan on  
09/27/2023

feet from the Trailblazer. He exited his cruiser and walked up to the Trailblazer. The Trailblazer was parked at the north side of the parking lot near the shelters. The Trailblazer was pointing in a north direction.

When Ptl. Powell approached the Trailblazer, he made contact with Andrew and Hannah Pawelski (Pawelski). Andrew was in the front driver side seat and Pawelski was sitting in the front passenger's side of the Trailblazer. Ptl. Powell attempted to activate his body worn camera, but it did not activate. He thought it had activated, so he continued with the contact.

Both Pawelski and Andrew were playing games on their phones. Ptl. Powell knocked on the driver side window and Andrew rolled the window down. Ptl. Powell noticed an odor of marijuana coming from the Trailblazer. Andrew continued to play on his phone, not acknowledging Ptl. Powell. Pawelski talked to him the most during their interaction.

Ptl. Powell advised Andrew and Pawelski that "it was no big deal", but the park closed at 11:00 p.m. He asked for both Pawelski and Andrew's identification. Pawelski gave him her identification, but Andrew stated that he did not have any identification. Ptl. Powell checked again with Andrew, and he did not have any identification. At this time, Ptl. Powell noticed a marijuana cigarette sitting on the dashboard in front of Andrew.

Andrew continued to look at his phone. Ptl. Powell asked Andrew his name and date of birth. Andrew stated "Corey" and his birth date. Ptl. Powell asked Andrew to put down his phone which Andrew did. Ptl. Powell asked Andrew if he had been smoking marijuana tonight. Andrew stated "yes". Ptl. Powell asked Andrew to hand him over the marijuana cigarette. Andrew stated "no". Ptl. Powell was about to advise Andrew that he would be issuing a citation for the marijuana cigarette, when Ptl. Powell heard on the radio that Ptl. Justin Rice (Rice) had arrived on scene with him.

After asking for the marijuana cigarette, Andrew put the Trailblazer in drive and moved forward "spinning tires". Ptl. Powell had his hands on the driver side window during this interaction, so when the Trailblazer moved forward, Ptl. Powell moved forward with the Trailblazer for a few feet.

While the Trailblazer was "coming around", turned west then east in the direction of Ptl. Powell, he started to move out of the direction of the Trailblazer's path which was pointing in his direction. Ptl. Powell believed that the Trailblazer started to move at him. Due to the high rate of speed of the Trailblazer and the direction it was pointing, Ptl. Powell drew his firearm.

The Trailblazer moved forward and turned slightly. It started moving in the direction of Ptl. Rice who had just arrived. Ptl. Rice was on foot. It appeared that the Trailblazer "swerved at him". Ptl. Powell referred to this as the Trailblazer was moving in the direction of Ptl. Rice at this point. Ptl. Powell feared that Ptl. Rice could be hit by the Trailblazer, so he engaged the Trailblazer with his firearm.

While Ptl. Powell was firing at the Trailblazer, he saw Ptl. Rice "flying through the air" and scream. Ptl. Powell remembered the soles of Ptl. Rice's shoes being in a vertical position at

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one point. Ptl. Powell believed that Ptl. Rice was hit by the Trailblazer.

Ptl. Powell continued to engage the Trailblazer per his training. The Trailblazer was still moving after it passed Ptl. Rice. He feared that the Trailblazer was going to possibly attempt to come back and harm them both. At this same time, Ptl. Powell heard additional shots. He thought these shots came from Ptl. Rice.

In total, Ptl. Powell believed he fired two (2) or three (3) rounds in a southern direction. He also fired two (2) or three (3) additional rounds to the east. During the interview, Ptl. Powell described the number of rounds fired as possibly more. The range of rounds fired by Ptl. Powell that he could recall during the interview was six (6) to eight (8) rounds fired at the Trailblazer in total.

After this, Ptl. Powell heard on the radio "shots fired". He saw that Ptl. Rice was "on his feet" so he ran to his cruiser. On the radio Ptl. Powell heard Ptl. Anthony Poppe (Poppe) request additional units to the area. Ptl. Powell moved his cruiser behind the already stopped Trailblazer. Ptl. Poppe parked next to his cruiser while Ptl. Rice moved his cruiser on the other side of Ptl. Poppe's cruiser. The cruisers were in a line behind the Trailblazer. Ptl. Powell retrieved his patrol rifle at that time.

Due to the brief time Ptl. Powell was not looking at the Trailblazer, it was unknown if Andrew had fled the scene on foot or was still in the Trailblazer. Ptl. Powell also noticed that his body worn camera had not activated. He activated it at that time.

The officers ordered Andrew out of the Trailblazer. Pawelski yelled out that Andrew was shot and unable to leave the Trailblazer. They ordered out Pawelski, which she complied. When Pawelski was safely with the officers, she advised them that her small child was in the back seat of the Trailblazer. Due to this, it was determined by Ptl. Powell that the child had to be removed from the Trailblazer as soon as possible. Ptl. Powell did not know there was child in the back of the Trailblazer during his interaction with Andrew.

Ptl. Powell and Ptl. Rice moved up to the Trailblazer. Ptl. Powell could see that Andrew was still in the driver seat "slumped over". They opened the back door and removed Pawelski's child. There were no visible injuries to the child at that time. Ptl. Rice took the child back to the cruisers.

Ptl. Powell then moved to Andrew's side of the Trailblazer and checked Andrew. Andrew had shallow breathing and a pulse. At this time, additional responding officers from several agencies started to arrive.

Ptl. Powell could see that Andrew had an injury to his right leg. He could not see any other injuries to Andrew while he was still in the Trailblazer. Officers moved Andrew forward in the seat and then Ptl. Powell could see that Andrew had an injury somewhere on his back. They extracted Andrew from the Trailblazer. Medical attention was rendered to Andrew by Ptl. Powell and other officers.

SA Snyder asked Ptl. Powell how Andrew's demeanor was during the first interaction. Ptl. Powell explained that Andrew did not look up at him during there interactions. He also did

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not respond normally as a person would during these types of interaction. Several times during the interview, when Ptl. Powell described his interactions with Andrew, Ptl. Powell stated that the hair on the back of his neck would rise. This was an indicator to Ptl. Powell that “something is not right here”. There was something other than the simple parking at dark in the park issue for Andrew and him. Due to Andrew’s reactions, Ptl. Powell stated that he attempted to “de-escalate” the situation.

SA Snyder asked Ptl. Andrew to create a sketch of the incident. Ptl. Powell drew a sketch of the incident pointing out points of interest on the sketch.

While Ptl. Powell was drawing the sketch, Atty. Sauter asked him if there was room for the Trailblazer to exit the part through the entrance. As Ptl. Powell could recall, the cruisers were not in a position which would have prevented the Trailblazer from leaving the park. He also pointed out that there were other areas in the park which the Trailblazer could have taken to leave the park without restriction.

The interview was video recorded, uploaded and stored within the Axon system under this case file number.

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.

**Attachments:**

Attachment # 01: Statement of David Powell

Attachment # 02: CIN for Powell

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**STATEMENT OF  
CELINA POLICE DEPARTMENT PATROLMAN DAVID POWELL  
REGARDING INCIDENT OF AUGUST 25, 2023**

I began full-time employment with the City of Celina Police Department in December, 2015 as a Patrolman. Prior to my employment with the Celina PD, I was employed by a Patrolman with the Coldwater Police Department in a part-time capacity from 2008 until 2010, and in a full-time capacity from 2010 until 2015.

I completed my basic peace officer training in May, 2008 at the Vantage Police Academy in Van Wert, Ohio.

My current supervisor at the PD is Sgt. Pat Crosby. My regularly assigned work hours are from 12:00 AM until 8:00 AM. I work Tuesday through Saturday; I am off on Sunday and Monday. My current assignment is patrol. Since 2017 I have served as an FTO. I am a member of the Department's Tactical Response Team. I am an instructor for a number of courses including Duty Knife, Less Lethal, Defensive Tactics, Taser, Bato and Ju-Jitsu.

I do not wear contacts or prescription glasses. I do not take prescription medication. I was not under the influence of alcohol or any drug, prescription or otherwise, on the date of the incident. I had not consumed alcohol in the 48 hours prior to the incident.

I have received no discipline or have been the subject of any internal affairs investigation related to any use of force. I have used less-than-lethal force on a number of occasions. Prior to this incident, I had never used lethal force during my career as a law enforcement officer.

I am familiar with the PD's use of force policies, as I lead the PD's annual use of force training/updates. I last personally reviewed the PD's use of force policies in June, 2023.

I carry a S&W M&P .40 as my primary duty weapon. The pistol is issued to me by the PD. I last qualified for the weapon in June, 2023. I carry two (2) magazines on an outer carrier (vest), with one (1) additional magazine loaded in the pistol. There are fifteen (15) rounds of ammunition in each magazine. I typically load one (1) additional round of ammunition in the chamber of my duty weapon. This was the weapon I used in the incident.

I had access to a Colt M-16 .223 rifle and a Mossberg shotgun in my patrol vehicle at the time of the incident. I also qualified with the weapons in June, 2023. I did not use either of those weapons during the incident.

At the time of the incident, I was carrying the following items on my vest carrier or duty belt: duty weapon, radio, OC spray, one set of handcuffs, Taser, two (2) magazines, tourniquet, a second set of handcuffs, a pocket knife, a utility knife, a glass-breaker tool, and a pair of gloves.

On the date of the incident, I was well-rested. I had not worked any overtime or special duty prior to the start of that shift. I was dressed in the standard City of Celina Police Department uniform, which clearly identifies me as a law enforcement officer. I was wearing a body-worn-camera in accordance with the PD's body-cam policy, though I later became aware the camera was not recording during my initial encounter with the Mr. Corey Andrew and my use of force.

I arrived to the scene of the incident in marked-cruiser #201, which is a Ford Explorer SUV. The cruiser contains an in-car video recording system. The cruiser video recording system began to record when I activated my body camera.

Prior to driving into Eastview Park at approximately 2:10 AM to investigate a parked car in a parking lot after the park had closed, I was engaged in routine patrol activities. The weather

was hot and humid, which is normal for the time of year. Given that it was just past 2:00 AM, there was minimal lighting in the parking lot.

\*\*\*Narrative of Incident to Follow\*\*\*

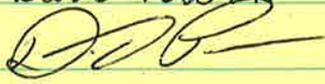
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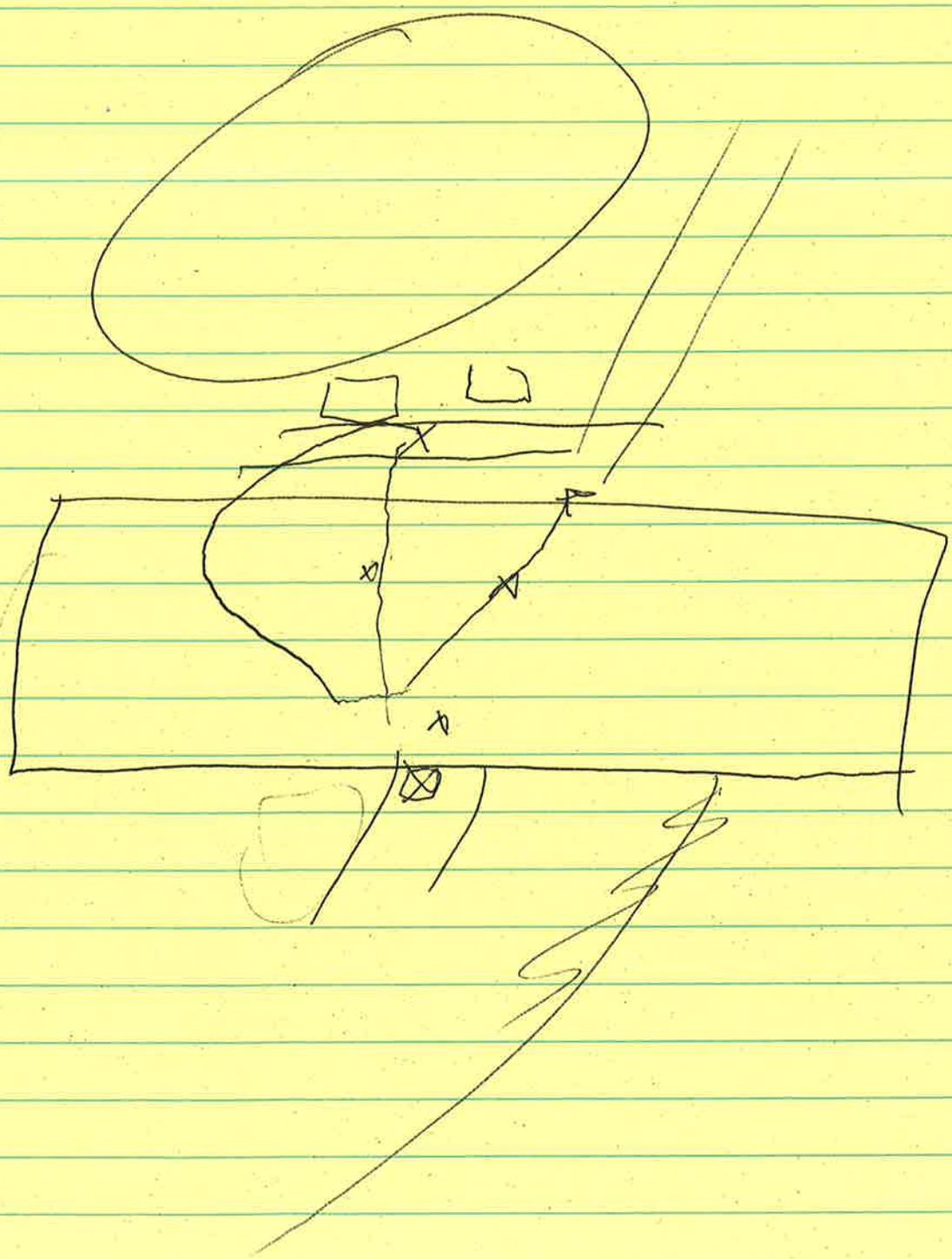
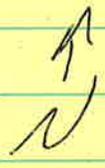
Patrolman David Powell

Date

Pl. Dave Power

Pl. 

9/5/2023





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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).

PT. Dave Power

Printed Name of Interviewee

9/5/2023

Date / Time

[Signature]

Signature of Interviewee

SA Jason Snyder

BCI Agent (Printed)

[Signature]

BCI Agent (Signature)