



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



2024-3649

Officer Involved Critical Incident - 6880 Sunset Strip Ave  
NW, Room #220, North Canton, Ohio, 44720

**Investigative Activity:** Interview of Involved Officer  
**Involves:** [REDACTED]  
**Activity Date:** 12/06/2024  
**Activity Location:** Fraternal Order of Police, 2721 Manchester Road, Akron,  
OH 44319  
**Authoring Agent:** SA Nicholas Valente

**Narrative:**

On Friday, December 06, 2024, at 1026 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente (SA Valente) and SA Matt Armstrong (SA Armstrong) interviewed [REDACTED] who was accompanied by his attorney, Paul Siegferth Jr., from the Fraternal Order of Police. The interview took place at the Fraternal Order of Police offices located at 2721 Manchester Road, Akron, Ohio. The interview was audio and video recorded.

[REDACTED] read, stated he 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. 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:**

<b>Name:</b> [REDACTED]	<b>Rank:</b> [REDACTED]
<b>Badge Number:</b> [REDACTED]	<b>Cruiser/Vehicle Number:</b> Responded in the "WYATT" armored SWAT vehicle.
<b>Radio Call Sign:</b> "[REDACTED] for normal patrol, with SWAT [REDACTED]"	<b>Immediate Supervisor:</b> Commander Les Marino, [REDACTED]
<b>Radio Channel Utilized:</b> Special Operations, Canton Channel	<b>Mobile Data Terminal:</b> Not Present

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<b>Cruiser Description:</b> Responded in marked SWAT personnel carrier "WYATT."	<b>Occupants of Cruiser and Seating Positions:</b> In rear of SWAT personnel carrier/vehicle.
<b>Assignment:</b> SWAT Training	<b>Normal Shift:</b> [REDACTED]
<b>In-Car Camera:</b> Not Present	<b>Spotlight:</b> Did not recall
<b>Emergency Lights:</b> Did not recall	<b>Siren:</b> Did not recall
<b>Shift Day of Incident:</b> [REDACTED]	<b>Duty Status:</b> On-Duty
<b>Days Off:</b> [REDACTED]	<b>Prior Overtime or Extra Details within Preceding 48 Hours:</b> None
<b>Hours of Sleep Prior to Incident:</b> Between 7 and 8 hours.	<b>Consider Self Well Rested?:</b> Yes
<b>Total Length as Officer:</b> [REDACTED]	<b>Length at Current Agency:</b> [REDACTED]
<b>Physical Disabilities (to include hearing aid):</b> None	<b>Corrective Lenses:</b> No Corrective Lenses
<b>Uniform Worn:</b> Green uniform, boots, plant, long sleeve shirt, SWAT vest marked police on front and back, duty belt, helmet, eye protection, ear protection, gas mask	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> Brought less lethal shotgun in WYATT SWAT truck. SWAT belt has pistol/holster, handcuffs, two pistol magazines, rifle magazine pouch. Additional equipment in the WYATT included pepper ball guns, chemical munition launchers, less than lethal shotguns, and breaching shotguns.
<b>Ballistic Vest:</b> External Armor	<b>Body Worn Camera:</b> Not Present
<b>Other Recording Devices:</b> None	<b>Partner:</b> Multiple other SWAT team members.
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Training or Areas of Specialty:</b> SWAT team member, CIT certified, F.T.O.	<b>OPOTC Certification:</b> Akron Police Academy, [REDACTED]
<b>Military Experience/Training:</b> None	<b>Use-of-Force Training:</b> Received annually from Perry Twp. P.D., periodic Lexi-pol trainings, additional training through the SWAT team.
<b>Prior Shooting Incidents:</b> None (that he fired a weapon in)	<b>Prior Discipline or Use-of-Force Complaints:</b> None
<b>Medications, Prescriptions, or Drugs that might Impair Your Duties at Time</b>	<b>Medications, Prescriptions, or Drugs that might Impair You Now for</b>

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**of Incident:** None

**Interview:** None

**Officer's Firearm(s):**

Weapon #1

<b>Make:</b> Daniel Defense	<b>Model:</b> DDM4
<b>Caliber/Gauge:</b> 5.56 mm	<b>Serial:</b> Did not know.
<b>Type:</b> Rifle	<b>Method of Carry:</b> Sling/handheld
<b>Magazine Capacity:</b> 30 loaded to 28 rounds	<b>Total Rounds as Carried (including chamber):</b> 84 (28 x 3)
<b>Extra Magazines:</b> 2	<b>Number of Rounds in Extra Magazines:</b> 28
<b>Discharged During Incident?</b> Yes	<b>Primary or Backup Weapon:</b> Primary
<b>Rounds Remaining After Incident:</b> Unknown	<b>Number of Rounds Fired:</b> Estimated to be 10 rounds
<b>Right/Left-Handed Carry:</b> Left-Handed	<b>Ownership:</b> Department Owned
<b>Last Qualification Date:</b> May 2024 w/ SWAT team, and November 2024 w/ Perry Twp PD.	<b>Type of Holster, if any:</b> Sling

**Narrative:**

██████████ had not reviewed any BWC videos of the incident. ██████████ had seen brief public news coverage of the incident and a short video he believed a civilian posted somewhere on social media.

██████████ reported he was participating in a SWAT training with officers interested in joining the team on the day of the officer-involved shooting. While on a break during SWAT training, the SWAT team was advised that they were being activated for an actual call out. ██████████ told the SWAT team that the U.S. Marshalls were attempting to serve a warrant when a subject produced a gun, pointed the gun at a U.S. Marshalls task force officer, and the subject was now armed and barricaded in a motel room. The SWAT team were also told that the subject's name was James Vanest, and he was a white male. The SWAT team was further informed the subject was wanted for weapons violations and was to be extradited to West Virginia on these outstanding charges.

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After receiving the above background information, the SWAT team members prepped the WYATT SWAT vehicle and responded to the scene. The trainee officers joined the SWAT team in responding to the scene.

While traveling to the scene, SWAT team members explained to the trainees they were to stay in the SWAT vehicle and observe rather than actively participate in the incident. While en route, one of the SWAT trainees provided further details of the motel layout as he was familiar with the motel complex and room layout.

██████████ had not personally responded to the motel complex where the incident occurred before. ██████████ had not previously interacted with the subject that he was aware of.

██████████ described the subject's room as being the final room in a large group of outwardly connected units. The subject's truck was backed in and parked in front of the subject's room.

Upon arrival, the WYATT was pulled in at a southwest angle with the front of the WYATT facing the subject's room. ██████████ escorted two of the trainees out of the SWAT vehicle and northwest of the subject's room to a Jackson Police vehicle. The trainees were left in a position of cover where they could potentially see and report if the subject were able to enter the attic or space above his room and exit into a neighboring room.

██████████ noted that there were civilians to the north of the subject's room in a neighboring Cracker Barrel restaurant. There were also nearby and neighboring motel rooms in the motel complex. Some of the neighboring motel rooms had been evacuated and some were not. ██████████ further noted civilians and additional law enforcement in the general area just outside the inner perimeter.

After escorting the two SWAT trainees to their new position of cover to observe the neighboring units, ██████████ returned to the WYATT. Once back at the WYATT, other SWAT team members were preparing to use chemical munitions. ██████████ recalled the subject was being given verbal commands that he believed were given through the PA system of the WYATT. The SWAT team members, including ██████████, donned gas masks in preparation of deploying the chemical munitions into the subject's room.

While preparing to utilize the chemical munitions, ██████████ reported he received additional intelligence that the subject was reported to be alone in his room, the room to the south of the subject was reported to have been unoccupied or cleared, and



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conflicting information was given whether the room to the west/behind the subject's room had been evacuated or cleared.

██████████ recalled that upon the SWAT team's arrival, the door to the subject's room was slightly ajar, but a hasp lock was still in place, preventing the door from fully opening. The subject's room had a large glass window in the front of the unit. The blinds behind the window were down, blocking any view into the unit from the front window.

Upon receiving the okay to deploy chemical munitions, ██████████ provided cover to two SWAT team members; Camden Sends (Officer Sends) and Sergeant Lee (Sergeant Lee). At that time, there was a black unmarked S.U.V. ██████████ believed it was a U.S. Marshall's vehicle, parked to the east of the subject's truck. Sergeant Lee deployed chemical munitions into the subject's motel room from near the front of this unmarked black S.U.V. and the subject's truck. This deployment of chemical munitions successfully knocked down the curtains behind the front window of the subject's room, allowing visibility into the room. Officer Sends also deployed chemical munitions into the room. ██████████ recalled that the SWAT team members did not get an audible response to the deployment of the chemical munitions. ██████████ stated once chemical munitions are deployed, there is generally an audible response from the subject, such as the sound of coughing. After deploying the chemical munitions, the three SWAT team members returned to cover.

Sergeant Lee then obtained a pepper ball gun loaded with glass breaking balls. Sergeant Lee, accompanied by ██████████ returned to their previous position near the subject's truck. Sergeant Lee then fired glass breaking balls from the pepper ball launcher in an attempt to break enough glass from the subject's front motel room window so that a drone could then enter through the opening. The glass balls further broke out pieces of the window but failed to create a large enough opening a drone could travel through. The two men returned to cover at the WYATT and brief period of quiet or lull in activity occurred. ██████████ reiterated it was unusual that there was no response from the subject during this period, due to the chemical munitions that were deployed into the room.

A drone was then flown by another law enforcement officer at/ into the subject's door. The drone was able to push the door partially open, allowing greater visibility into the room. ██████████ was surprised at the time because he believed the hasp lock on the door was still in place. ██████████ later became aware that another SWAT operator had defeated the hasp lock with a less than lethal munition prior to the drone hitting the door and pushing it open. ██████████ believed he was then at the rear driver's

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side of the Wyatt. [REDACTED] reported at this point that the subject had still not been seen or heard.

Once the drone hit the door and entered the room, [REDACTED] heard the sound of gunshots coming from inside the subject's room. [REDACTED] believed he heard more than four gunshots but did not feel comfortable guessing how many shots were fired at that time. [REDACTED] was able to see what looked like shots exiting the room through the roof at the time. [REDACTED] could not recall if he saw the drone go down or was just told it had gone down. In either event, [REDACTED] became aware the drone went down after entering the subject's room and gunshots were fired from within the subject's room.

When asked what he believed was happening at the moment he heard those gunshots, [REDACTED] stated that he believed the subject was firing but was not sure at the time if the subject was firing at the drone or at the officers outside the room.

Not long after, pepper ball rounds were fired by another unknown person into the subject's room.

At some point afterward, while [REDACTED] was stationed at the rear driver side of the WYATT, additional gunshots were heard. After this sound of gunfire, that [REDACTED] reported were being fired from within the subject's room, [REDACTED] heard a SWAT team member yell out in pain and stated he was shot. [REDACTED] heard other members of the SWAT team talking as they rendered aid and applied a tourniquet to the injured officer.

[REDACTED] explained that to reach medical assistance and exit the scene, the shot and injured officer would have to leave cover and cross in front of the potential line of fire of the subject, further exposing himself and assisting officers to possible gunfire from the subject. In preparation to extract the injured officer and move him through this danger zone, an unknown SWAT operator requested permission to utilize suppressive fire during the extraction so that the injured officer could be taken to safety. The request to utilize suppressive fire was granted and once a group of officers began to remove the injured officer, other SWAT operators fired into the subject's room. [REDACTED] himself did not fire at this time. [REDACTED] did not know who fired at the time and his personal concern in that moment was not knowing where the subject was within the room and not knowing whether the room directly behind the subject's was confirmed to be cleared.

After the injured officer was safely removed from the room, another dead period or lull in activity occurred. Additional SWAT operators began to arrive. [REDACTED] himself

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then made his way towards the front passenger side of the WYATT. From this location, [REDACTED] was able to see damage to the exterior of the north side wall of the subject's room, indicative of the subject having fired out of the room through the wall towards the neighboring Cracker Barrel restaurant. [REDACTED] further recalled observing civilians exiting the motel rooms directly across from the front of the subject's motel room along with additional law enforcement now having arrived and staged near the edge of the Cracker Barrel lot along the outer perimeter of the scene.

The sound of gunfire coming from within the subject's room outward then started again. [REDACTED] recalled hearing the sound of the subject reloading inside the room as well during this time. At that time, there was another command given by Capt. Marino to engage with directed or suppressive fire. [REDACTED] reiterated at this point in his recounting of events that the subject had already shot out of his room on three separate occasions, including having shot and injured an officer. Further additional civilians were present in the surrounding area and the backdrop of where the subject had fired. [REDACTED] stated (43:39), "So yes, I did have, um, I, I, I believed um, the suspect was uh, a threat, a deadly, deadly threat to the civilians, uh, other police and law enforcement, EMS, first responders, SWAT, and myself. Um, and it started, you know, I know there were other shooters, I, I wasn't, I didn't witness any other shooters other than during this time frame. Uh, we were utilizing cover. Uh, [REDACTED] first engaged from kind of this area from north to south into room 2, 220, and then once he came back to cover is when I came out and engaged. Um, just outside the, uh front passenger side of the WYATT, um from north to south, into room 220 kinda southwest type direction. Try to keep my shot group low. Um, where I thought the suspect would be and I don't recall if I was shooting left to right or right to left. General area where I thought my shot group could be most effective at stopping the deadly threat that was being presented to all of us. Again, estimation, maybe ten rounds. Um, I went back to cover. Cease fire command. I believe there was a cease fire command. Once I got back to cover, I did a reload with retention." [REDACTED] did not fire his weapon after this point.

When asked how he felt throughout the incident, [REDACTED] stated he felt officers had a duty to resolve the situation professionally and responsibly. [REDACTED] was concerned about [REDACTED] who had been shot. [REDACTED] was also concerned about the many people who were outside in the potential line of the subject's fire. [REDACTED] expressed that all the bullets fired by the subject were going to strike somewhere and he was concerned about where all of those bullets would ultimately hit. [REDACTED] recalled his realization that the incident was deadly and anyone of the people there could have been struck by the gunfire.

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After the final exchange of gunfire, a robot was sent into the room. The SWAT operator who had control of the robot reported locating the suspect with the robot. The robot operator reported that the subject appeared deceased. A group of officers, including [REDACTED], ultimately entered the room around this time after deploying flashbang grenades.

The SWAT operators located the subject on the ground behind the bed with no signs of life. [REDACTED] saw apparent gunshot wounds to the subject's person upon entering the room and seeing him for the first time. [REDACTED] recalled seeing a black revolver on top of the bed directly accessible to the subject. There was also a small fire in the room when officers entered. Another SWAT team member also called out that the subject still possessed another handgun in his hand. The handgun in the subject's hand was removed from his grasp and placed in a corner of the room away from the subject, along with the revolver. The fire was then put out and EMS entered and checked the subject for signs of life and found none.

When asked, [REDACTED] stated that he believed all his actions were consistent with his training.

When asked, [REDACTED] stated that he did not see any other involved officers take any action that he believed was criminal in nature.

[REDACTED] stated he would allow agents to review the results of a drug screening he took. [REDACTED] stated he would allow agents to review any potential Garrity protected statements he made that may have been captured on any of the involved officers' BWC recordings. [REDACTED] stated he would allow agents to review any written statements he may later make documenting his actions relative to the incident.

The interview concluded at approximately 1121 hours.

The audio recording was attached to this report. The signed BCI Criminal Investigation Notification form was also attached to this report. The video recording of the interview was saved as part of Reference Item I. Please see the attachments for further details.

**References:**

I - Video Recorded Officer Interviews

**Attachments:**

1. 2024-12-06 Audio Recorded Interview - [REDACTED]

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2. 2024-12-06 Signed Criminal Investigation Notification Form - [REDACTED]

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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).

\_\_\_\_\_  
Printed Name of Interviewee

12-06-24 1025 AM  
Date / Time

\_\_\_\_\_  
Signature of Interviewee

Matthew Armstrong  
BCI Agent (Printed)

SA Mandy #146  
BCI Agent (Signature)