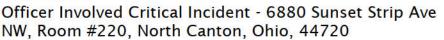


Investigative Report

2024-3649





Investigative Activity: Interview of Involved Officer

Involves:

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 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.

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:**

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



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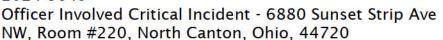
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Covices Descriptions Responded in	Occupants of Cruiser and Seating		
Cruiser Description: Responded in	Positions: In rear of SWAT personnel		
marked SWAT personnel carrier "WYATT."	carrier/vehicle.		
Assignment: SWAT Training	Normal Shift:		
In-Car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



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#### Officer's Firearm(s):

Weapon #1

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

#### 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. Marshals 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.

The was familiar with the moter 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



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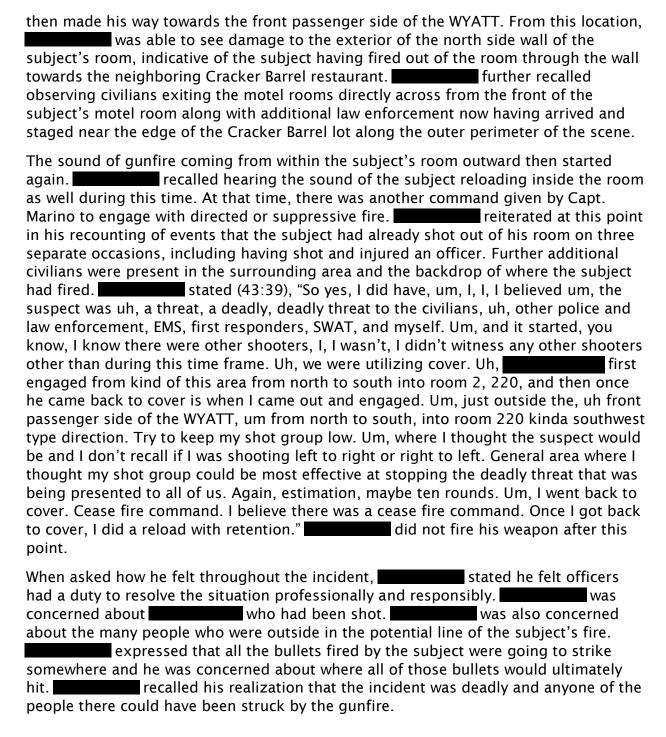
side of the Wyatt reported at this point that the subject had still not been seen or heard.
Once the drone hit the door and entered the room, heard the sound of gunshots coming from inside the subject's room. believed he heard more than four gunshots but did not feel comfortable guessing how many shots were fired at that time. was able to see what looked like shots exiting the room through the roof at the time. could not recall if he saw the drone go down or was just told it had gone down. In either event, became aware the dron 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, 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 was stationed at the rear driver side of the WYATT, additional gunshots were heard. After this sound of gunfire, that reported were being fired from within the subject's room, heard a SWAT team member yell out in pain and stated he was shot. heard other members of the SWAT team talking as they rendered aid and applied a tourniquet to the injured officer.
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. himself did not fire at this time. 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 lul in activity occurred. Additional SWAT operators began to arrive.



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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 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. Saw apparent gunshot wounds to the subject's person upon entering the room and seeing him for the first time. Fecalled seeing a black revolve 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, stated that he believed all his actions were consistent with his training.
When asked, stated that he did not see any other involved officers take any action that he believed was criminal in nature.
stated he would allow agents to review the results of a drug screening he took. 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. 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 -



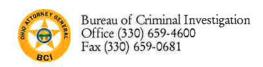
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2. 2024-12-06 Signed Criminal Investigation Notification Form -





#### **Criminal Investigation Notification**

- 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.
- 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 <u>not</u> a "Garrity" interview (where you
  could be required to answer).

	12-06-24	1025 AM
Printed Name of Interviewee	Date / Time	
Signature of Interviewee		
Matthew Assustrang		
BCI Agent (Printed)		
SA Mult		
BCI Agent (Signature)		