



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 Brett Pelfrey

Activity Date: August 2, 2022

Authoring Agent: Special Agent Cory Momchilov #64

Narrative:

On Tuesday, August 02, 2022, at 1004 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Joseph Goudy (Goudy) interviewed Akron Police Department (APD) Officer Brett Pelfrey (Pelfrey), who was accompanied by his attorney, Michael Callahan (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 Pelfrey 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 Pelfrey 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 Pelfrey stated his radio call sign on June 27, 2022, was Car 17. Officer Pelfrey has been a police officer for approximately one and a half years, all with the APD. Officer Pelfrey wore his standard police uniform. He also wore an external ballistic vest and duty belt. Officer Pelfrey was the passenger in Car 17, a Ford Explorer marked with APD emblems and emergency lights; his partner, Officer Jakob Yakubik was the driver. Officer Pelfrey 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 not wear corrective lenses.

SA Momchilov asked Officer Pelfrey if he could explain his involvement in the June 27, 2022, incident. Officer Pelfrey explained that he was working the Kenmore area of southwest Akron. While on West Wilbeth Road, Officer Pelfrey advised he heard radio traffic of another unit attempting to conduct a traffic stop that turned into a vehicle pursuit. Officer Pelfrey stated that signal 5 (Emergency Radio Traffic Only) was called out. Officer Pelfrey advised that he and Officer Yakubik were far from the pursuit and stated, "We probably couldn't of been farther at that time." Officer Pelfrey continued, "Quickly the officer called out that the shot was fired, that

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kind of amplified things and we started making our way as we're listening to the call out of the direction they were going and we could try to maybe, maybe, get in the same general area."

Officer Pelfrey stated that pursuit started to head towards Route 8 south and then it exited on either Archwood or Lover's Lane, in the Firestone Park neighborhood area. At that point, Officer Pelfrey and Officer Yakubik were on Main Street, traveling south and then headed east onto Archwood Avenue.

According to Officer Pelfrey, the pursuit then traveled westbound on Wilbeth Road and that Officer Pelfrey and Officer Yakubik, "Were not far off." Officer Pelfrey stated, "We made it onto Wilbeth, pretty, pretty quickly. So we started heading west back on Wilbeth and as we're driving I see the cruiser lights and they're stopped and the radio traffic was pretty silent at that point in time. As we're approaching the stopped cars, I see the cruiser in front of us had its driver door open. So the first thing that came to my mind was, okay maybe their doing a felony stop."

Officer Pelfrey explained that in a felony stop, the cruiser doors are open and officers are calling the "suspect" back to the cruiser.

Officer Pelfrey advised that he quickly realized that there were no officers near the cruisers. Officer Pelfrey explained that their cruiser stopped and he exited the vehicle. Officer Pelfrey stated, "The first thing I see is suspect vehicle creeping across the middle of the road and, so I start, I have my eyes on the car cause I didn't see the officers and then I quickly see a group of officers, probably a hundred and fifty yards away at that point in time, running to the right. So I start sprinting up in that direction." Officer Pelfrey continued, "I'm gonna assume I'm a hundred yards away when I hear the gunshots and see the muzzle flash."



Based upon Officer Pelfrey's body worn-camera footage, the above image is the approximate time when gunfire starts.

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Based upon Officer Pelfrey's body-worn camera footage, the above image is the approximate time when gunfire stops. This corroborates Officer Pelfrey's statement that he was a great distance away during the shooting.

Officer Pelfrey continues, "So I sprint up, I don't see a suspect at that point in time, it's pretty dark and I'm pretty far away. So I run up and when I get into the parking lot, suspect is on the ground and I hop to the right side of the line. He's still moving at that point in time, he's moving his arms' up, his right arm up into the air and he's like squeezing his hand, I don't know if it is twitching or what, what he was doing but we're all holding on him at that point in time and he puts his arm back down."

Officer Pelfrey explained that another officer then yelled that officers needed to move in, handcuff the individual and to start provide aid. Officer Pelfrey advised that he was on the very end of the right side, and the majority of the officers on the left side started to approach the individual to handcuff and provide aid.

Officer Pelfrey advised that someone yelled that officers needed to clear the vehicle that the individual was driving. Officer Pelfrey explained that he and other officers ran across the street, into the field, in front of the church and cleared the vehicle. Officer Pelfrey further advised, "Where I was when we were clearing the car, I didn't actually get up to see the car. I had a couple guys ahead of me."

SA Momchilov then asked if after officers cleared the car, if anyone said if anything was located in the car. Officer Pelfrey stated, "The only thing, I think they just said 'cleared' like, we were looking for maybe another suspect or something at that point in time." Officer Pelfrey explained that after the vehicle was "called clear," an officer stood next to the vehicle for the duration of the scene. Officer Pelfrey advised that he did not get opportunity to look inside the vehicle.

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SA Momchilov asked Officer Pelfrey, if after it was broadcasted that a shot had been fired from the fleeing vehicle, if another signal was called. Officer Pelfrey stated he did not recall.

SA Momchilov asked Officer Pelfrey if a radio broadcast of shots being fired from a vehicle would require a response from many officers; Officer Pelfrey replied, "Yes, absolutely."

SA Momchilov asked Officer Pelfrey if he had conversations with any of the officers who were involved in the shooting. Officer Pelfrey stated, "No, not in regards to the shooting."

During the interview, Officer Pelfrey stated his badge number/employee ID is 1540.

After the interview, agents allowed Officer Pelfrey to view his body-worn camera footage. Afterward, Officer Pelfrey advised that was the first time he had seen his body-worn camera footage.

Officer Pelfrey wished to add that after reviewing his body-worn camera footage, as he was approaching the right side of the line, after the shooting, officers could be heard giving commands to the individual to stop moving.

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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