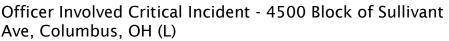


Investigative Report

2024-1755





Investigative Activity: Interview with Involved-Officer

Involves: Officer

Activity Date: 06/18/2024

Activity Location: 4683 Winterset Dr, Columbus, OH (FOP Law Offices)

Authoring Agent: SA Matthew Collins

On Tuesday, June 18, 2024, at 1306 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Collins (SA Collins) and SA Kyle Douglass (SA Douglass) interviewed Columbus Division of Police (CPD) who was accompanied by his attorney, Latham Lipperman, from the Fraternal Order of Police (FOP). The interview took place at 4683 Winterset Dr, FOP Law Offices in Columbus. The purpose of the interview was to gain information from involvement in an Officer-Involved Critical Incident that occurred on June 10, 2024 in the 4500 Block of Sullivant Ave. in Columbus, Ohio. The interview was audio recorded.

read, 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. 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. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

While the involved-subject, Noel Hernandez Cortaza's (Cortaza) identity was not known during the incident, his name is used in this report for clarification purposes. Also, for clarification purposes, the term *subject vehicle* used in this report refers to the vehicle driven by Cortaza. It is more particularly described as a green Honda Civic with Ohio registration number JFX8729.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.



Investigative Report



2024-1755 Officer Involved Critical Incident - 4500 Block of Sullivant Ave, Columbus, OH (L)

Preliminary and Demographic Information:

Name:	Rank: Officer (Ofc.)		
Badge Number:	Cruiser/Vehicle Number:		
Radio Call Sign:	Immediate Supervisor: Sergeant Knox		
Radio Channel Utilized:	Mobile Data Terminal: Present & Utilized		
Cruiser Description: Marked SUV	Occupants of Cruiser and Seating Positions:		
Assignment: Patrol	Normal Shift:		
In-Car Camera: Operational & Utilized	Spotlight: Present; Not utilized		
Emergency Lights: Present & Utilized	Siren: Present & Utilized		
Shift Day of Incident: 2200-0600	Duty Status: On-Duty		
Days Off:	Prior Overtime or Extra Details within Preceding 48 Hours: N/A		
Hours of Sleep Prior to Incident: Well Rested	Consider Self Well Rested?: Yes		
Total Length as Officer: 3+	Length at Current Agency:		
Physical Disabilities (to include hearing aid): No	Corrective Lenses: No Corrective Lenses		
Uniform Worn: Navy Pants, a Navy short- sleeved shirt, display of badge on front of ballistic vest, "Columbus Police" on back of vest.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Pepper Spray		
Ballistic Vest: External Armor	Body Worn Camera: Present & Used		
	Partner:		

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.



Investigative Report



2024-1755 Officer Involved Critical Incident - 4500 Block of Sullivant Ave, Columbus, OH (L)

Injuries: None	Equipment Damage: None		
	OPOTC Certification:		
Military Experience/Training: None	Use-of-Force Training: Annually		
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: None		
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: No	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: No		
Alcohol in Past 24 Hours? No	Last Consumed Alcohol Prior to Incident: No		

Officer's Firearm(s):

Weapon #1

Make: Smith and Wesson	Model: M&P 2.0		
Caliber/Gauge: 9 mm	Serial:		
Type: Semi-Auto Handgun	Method of Carry: Hip holster		
Magazine Capacity: 17	Total Rounds as Carried (including chamber): 18		
Extra Magazines: 2	Number of Rounds in Extra Magazines		
Discharged During Incident? Yes	Primary or Backup Weapon: Primary		
Rounds Remaining After Incident: 43	Number of Rounds Fired: 9		
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned		
Last Qualification Date: 2024			

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.



Narrative:

Ohio Attorney General's Office Bureau of Criminal Investigation

Investigative Report



2024-1755 Officer Involved Critical Incident - 4500 Block of Sullivant Ave, Columbus, OH (L)

On the evening of June 10, 2024, stated he and his partner, were in a marked CPD cruiser and was

had just finished an attempt to serve a felony warrant on the westside of Columbus. Specifically, in a search of an associated vehicle. stated it was around 2330 hours, dispatch aired a suspect with a knife in the area of Georgesville and Clime Road intersection (which was a neighboring precinct). Dispatch described the suspect (later identified as Cortaza) as a White or Hispanic male with dark hair, running at cars and threatening motorists with a knife. who were a two-man unit, marked on the run. Dispatch assigned another unit as well. said, "Since the run potentially involved a violent suspect with a deadly weapon, my partner and I decided to respond as well in case the other officers needed assistance." started driving towards the dispatched location, initially without lights and sirens, due to multiple officers already responding. When reaching the intersection of West Broad Street and South Westgate Avenue, minutes later, could not find the suspect. believed the suspect had likely left the area and the situation was clear. began checking the area for the previous vehicle associated with the felony warrant. While in the area of Sullivant Avenue, aired something like 'we got him' or 'I can see him' before adding the suspect was stabbing his own vehicle with a knife. A moment later, either aired a "10-3, CPD's radio code for officer in trouble" and they requested backup in the area of the Turkey Hill gas station at Clime Road and Georgesville Road. stated, "I immediately turned on lights and sirens and started driving to that location." described Cortaza as a Hispanic When arriving to the area of Turkey Hill, Male with dark hair, wearing a green shirt. then aired Cortaza was driving away at 15 miles per hour (mph) and update the location to Westbound on Old Sullivant Avenue, west of Georgesville Road. explained he turned West onto Sullivant from Georgesville Road and saw cruiser in the right lane, just before the train tracks. noted he parked eastbound in the left lane and noticed a green car, believed to belong to Cortaza, in the right lane just ahead of vehicle. The green subject vehicle started pulling forward, while stayed in the left lane driving

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.

across the train tracks, while

followed as well.



Investigative Report



2024-1755 Officer Involved Critical Incident - 4500 Block of Sullivant Ave, Columbus, OH (L)

explained the subject's vehicle then stopped about 50-70 yards ahead in the right (westbound) lane of Sullivant Avenue.

explained immediately parked his cruiser and he and
got out. "Just as I was coming to a stop, the subject suddenly got out of the car. He was holding a knife or some type of edged weapon in his (I believe) right hand. I
immediately got out unholstered my firearm." explained Cortaza then
began walking west along Sullivant Avenue, opposite direction.
explained he was to the left along the southern curb, moving towards Cortaza, while
were to right (north) also advancing
toward Cortaza.
reported "The suspect appeared to be walking towards a car in the eastbound lane several yards ahead. He was yelling incoherently. Officers were repeatedly yelling 'get on the ground!' Another officer was yelling 'manos arribas!' I believed that was a command of some type, but I did not know the translation (I learned after this incident that it means 'hands up')." noted he could not understand anything Cortaza was saying when he was yelling. explained "the suspect continued advancing away from us, toward the vehicle." then ran up "behind the suspect and deployed the taser," which was not effective, possibly due to one of the probes not connecting.
continued, "The suspect immediately turned around and started advancing towards. He was still yelling incoherently and wildly swinging both of his arms up and down while hold the knife. I believed he was preparing to attack us. The other officers and I started backpedaling to create distance. But a moment later the suspect lunged forward and started running in my direction with the knife raised, quickly closing the distance between us. I believed he intended to stab me and that I would be seriously injured or killed, and it was then I fired at the suspect. Several other officers also fired at nearly the same time. I stopped firing once the suspect collapsed a moment later and was no longer moving."
Additionally, noted in his statement, at the time of the shooting,

"I knew that I could not keep pace with the suspect such that he would close the distance in an instant. I believed he intended to stab me and/or the officer immediately next to me and that I and possibly one or more officers would be grievously injured or killed by the suspect's attach, and it was then when I fired my weapon. At the times I fired my weapon, I did not believe I had any other reasonable alternative to protect my life or the lives of the officers from the deadly threat presented by the suspect's actions."

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.



Investigative Report



2024-1755 Officer Involved Critical Incident - 4500 Block of Sullivant Ave, Columbus, OH (L)

reported "I fired those rounds in rapid succession. I would estimate only 2-3 seconds passed between my first and last shot. I fired in a northwesterly direction. I believe I used my sights and that I fired with a two-handed (right strong) grip. My target was the suspect's center mass. My backdrop was an open field north of Sullivant Avenue; there were no vehicles or people in my backdrop at the times I fired." was uncertain if his gun's light was on when he fired. estimated Cortaza to be approximately 10 feet away when started firing, though Cortaza continued to close the distance before he collapsed. SA Douglass asked if he was the closest to Cortaza at the time he was 10 feet away or was another replied "I believe, initially there was someone else closer, but when he cut south across the the uh yellow line, that divides the roadway, when he went from the westbound to the eastbound lanes, he was closest to reported Cortaza then fell onto his stomach, facing arms out in front of him, still holding the weapon in his right hand. While covering Cortaza, right arm so he could not use the weapon. SA Collins asked what he meant when he said 'Cover.' explained he "essentially held my, held my weapon on the suspect, if he were to get up and attempt another attack, while other officers were trying to handcuff and secure him." explained he "grabbed the weapon from his hand" tossing it several feet away, so Cortaza could not access it. that was the only time he touched the weapon and did not see any other officer on scene touch it. SA Collins asked to describe the edged weapon. noted the edged weapon "had some sort of what looked like brass knuckles and on one end of it...when I threw it, it sounded like metal hitting the ground." SA Collins if the weapon broke into pieces when he threw it. replied, "I don't believe it broke, I don't know." described the end of the knife to have "three" loops on the end, where three fingers could be inserted. SA Collins asked if Cortaza had his fingers looped in the in and replied "No, uh, it appeared to me that he was holding it like a knife, like he was ready to stab something," describing it as an overhand hold. explained after the shooting, he noticed Cortaza had "several gunshot wounds." While provided cover, the other officers checked Cortaza for

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.

then noticed

additional weapons and handcuffed him.

also on scene; however, it was unknown to

to render Cortaza aid.

rived.

was

said he observed officers started

when



Investigative Report



2024-1755 Officer Involved Critical Incident - 4500 Block of Sullivant Ave, Columbus, OH (L)

explained a sergeant collected his body worn camera (BWC) as evidence and he and other officers were transported to 10 Substation.
reported in his statement
"I know now I fired nine rounds during this incident."
SA Collins asked how he knew he fired nine (9) rounds. noted after the medics arrived to treat the suspect,
"I reloaded my weapon; before I left the scene, though, I loaded my original, now partially loaded magazine back into my weapon."
explained when reloading "there was, there would have been nine rounds left in it, so our mags hold 17, plus one is 18, nine rounds left, means I fired nine" explaining the extra round was the one in the chamber. explained he counted the rounds that same night of the incident, before BCI took his firearm as evidence. SA Douglass asked when he switched back to his original magazine, did he have to rack the slide or did he just swap magazines. replied "no, I just swapped mags because there was already a round in the chamber from the original mag." SA Douglass asked in the moment, did he believe he fired nine rounds. replied, "in the moment I didn't believe I fired nine, uh, it was maybe a couple less."
SA Collins asked if he believed his actions were consistent with his training and replied, "yes sir."
discovered the identity of the suspect, Cortaza, after the incident. reported he does not know Cortaza, nor did he believe he has ever previously encountered him.
noted he has since reviewed his BWC footage of the shooting and realized his light on his firearm was indeed on. also discovered his driving route to the scene, after officers located Cortaza, was slightly different than he originally reported. Additionally, discovered deployed his Taser a second time, as Cortaza was walking back towards the officers; however, it was not effective. noted he originally thought was standing to his right/north when confronting Cortaza; however, it was actually in that position.

The interview concluded at approximately 1332 hours.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.



Investigative Report



2024-1755 Officer Involved Critical Incident - 4500 Block of Sullivant Ave, Columbus, OH (L)

The interview was audio recorded. The audio recording was attached to this report. The signed BCI Criminal Investigation Notification form and written statement are also attached to this report. Please see the attachments for further details.

D	۸f	`~	re	n	_	_	_	
ĸ	eт	e	гe	П	L	е	>	-

None

Attachments:

- 1 Statement_CIN
- 2- 2024-06-18 Interview_Audio

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.



BCI Agent (Signature)

13:08

Criminal Investigation Notification

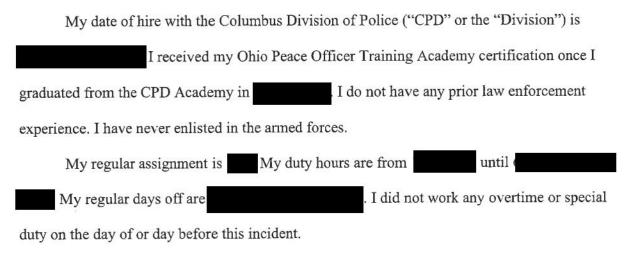
- 1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct 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	<u>//18/24</u> Date / Time
Signature of Interviewee	
BCI Agent (Printed)	
SATUL - CO #151	

STATEMENT OF OFFICER

BADGE NO.

This statement is regarding my involvement in an incident that occurred on Monday, June 10, 2024, at approximately 11:30 p.m. I am voluntarily providing this statement as part of the investigation being conducted by the Ohio Bureau of Criminal Investigation (BCI).



I was wearing the CPD patrol uniform and was readily identifiable as a police officer. My uniform consisted of navy pants, a navy short-sleeved shirt, and an external vest carrier that displayed my badge on the front and "COLUMBUS POLICE" on the back. I was also wearing a body worn camera (BWC) mounted to my external vest carrier, in the right/middle of my chest.

My BWC was on and recording during this incident.

I was carrying my Division-issued Smith & Wesson 2.0 9mm handgun, loaded with Division-issued ammunition. The magazine for that weapon holds seventeen rounds, and I also carry an additional round in the chamber. That gun was equipped with a Division-approved light mounted to the underside of the frame. My range qualifications were current with that weapon. I was not carrying any backup firearm.

I was working with a partner:

We were in a marked CPD SUV, and I was driving. Specifically, we were in Cruiser (operating as Car There were also several other CPD officers on scene when this incident occurred.

I am in good health and do not have any disabilities. I have good vision and hearing and do not need corrective lenses or hearing aids. I did not drink any alcohol in the 24 hours before my shift, nor had I taken any medication that could negatively affect the performance of my duties. I arrived at my shift well rested and in good spirits.

Around 11:15 p.m. on the night of this incident, my partner and I had just finished attempting to serve a felony warrant in west Columbus and were circulating in search of an associated vehicle. At that time, dispatch aired there was a suspect with a knife in the area of the Georgesville and Clime Road intersection (which was in a neighboring precinct). Dispatch described the suspect as a male white or male Hispanic with dark hair and said he was running at cars and threatening motorists with a knife.

(who were partnered up) marked on the run, and dispatch assigned another car as well. Since the run potentially involved a violent suspect with a deadly weapon, my partner and I decided to respond as well in case the other officers needed assistance.

I started driving towards the dispatched location. Initially, I did not have lights or sirens activated since there were already multiple officers responding. When we reached the intersection of West Broad Street and South Westgate Avenue minutes later, aired that they could not find the suspect. I believed the suspect had likely left the area and the situation was clear.

My partner and I again began circulating for the vehicle we had been looking for earlier out of another incident. I turned west onto Sullivant Avenue and my partner thought he saw that

vehicle pass us going east. I turned around in a parking lot when my partner realized it was not in fact the vehicle. Briefly after I turned around on Sullivant Avenue, aired something like "we got him" or "I can see him" before adding that the suspect was stabbing his own vehicle with a knife. A moment later they aired 10-3 (CPD's radio code for "officer in trouble") and requested backup. said they were at the Turkey Hill gas station at Clime Road and Georgesville Road.

I immediately turned on lights and sirens and started driving to that location. I took Eakin Road and turned left/south onto Demorest Road. I turned right/west onto Clime Road and drove to the Turkey Hill gas station.

aired that the suspect was a male Hispanic with dark hair and wearing a green shirt. At one point aired the suspect was driving away at only 15 mph and updated their location to westbound on Old Sullivant Avenue (which I know to be the section of Sullivant Avenue that is west of Georgesville Road).

I got to Georgesville Road and turned right/north. There was a cruiser heading south on that street, and I assumed that officer was planning to loop around and cut ahead of the suspect's car. I continued north and turned left/west onto Sullivant Avenue. A moment later aired that they were right behind the suspect's car. I passed a row of cars and saw cruiser in the right lane ahead, just before the train tracks. I pulled up and parked in the left (eastbound) lane.

Parked in the right lane just ahead was a green car, which I believed belonged to the suspect. Moments after we stopped, the suspect started slowly pulling forward. I stayed in the left lane and drove across the train tracks.

The suspect stopped about 50-75 yards ahead in the right (westbound) lane of Sullivant Avenue.

was coming to a stop, the suspect suddenly got out of his car. He was holding a knife or some type of edged weapon in his (I believe) right hand. I immediately got out and unholstered my firearm. The suspect was now walking west along Sullivant Avenue, opposite my direction. I fanned left along the southern curb and moved forward.

were to my right (north) also advancing towards the suspect.

The suspect appeared to be walking towards a car in the eastbound lane several yards ahead. He was yelling incoherently. Officers were repeatedly yelling "get on the ground!"

Another officer was yelling "manos arribas!" I believed that was a command of some type, but I did not know the translation (I learned after this incident that it means "hands up"). The suspect continued advancing away from us towards the vehicle. A moment later, quickly ran up behind the suspect and deployed his taser. It was not effective, however, as I believe one of the probes did not connect.

The suspect immediately turned around and started advancing towards us. He was still yelling incoherently and wildly swinging both of his arms up and down while holding the knife. I believed he was preparing to attack us. The other officers and I started backpedaling to create distance. But a moment later the suspect lunged forward and started running in my direction with the knife raised, quickly closing the distance between us. I believed he intended to stab me and that I would be seriously injured or killed, and it was then I fired at the suspect. Several of the other officers also fired at nearly the same time.

I stopped firing once the suspect collapsed a moment later and was no longer moving.

The other officers did the same. The suspect fell onto his stomach, facing me, and both of his arms were out in front of him. He still had the weapon in his right hand. I covered the suspect,

approached, and put my foot on his right arm so that he could not use the weapon. A second later I grabbed the weapon from his hand and tossed it several feet away so that he could not access it. I did not touch the weapon again after that, and I did not see any other officer touch it.

The suspect appeared to have several gunshot wounds. I provided cover, and other officers quickly checked the suspect for additional weapons and handcuffed him. Once secured moments later, officers began rendering aid. I noticed for the first time that was with us. I am not sure when exactly he arrived on scene. Once the suspect was secured I went back to my cruiser and grabbed scene tape. Other officers were arriving on scene. I started putting up tape, but a brief time later an officer approached and said he would take over for me since I was involved.

I walked west towards the rest of the officers. Medics had arrived by that point and were treating the suspect. It was around that time I reloaded my weapon; before I left the scene, though, I loaded my original, now partially loaded magazine back into my weapon. A CPD sergeant told me and the other involved officers to wait by his cruiser. That sergeant also collected our BWCs as evidence.

The other officers and I were transported to 10 Substation shortly after this incident.

Later that night I met with investigators from BCI who collected my weapon as evidence and took photographs as part of the investigation. This ended my involvement with this incident.

I now know I fired nine rounds during this incident. I fired those rounds in rapid succession. I would estimate only 2-3 seconds passed between my first and last shot. I fired in a northwesterly direction. I believe I used my sights and that I fired with a two-handed (right strong) grip. My target was the suspect's center mass. My backdrop was an open field north of Sullivant Avenue; there were no vehicles or people in my backdrop at the times I fired. Officers

were to my right/north in a partial semicircle. I fired from the southern part of Sullivant Avenue (i.e., near the curb in the eastbound lane).

I do not recall whether my gun's light was on when I fired, but there was enough light from overhead streetlights, nearby vehicle headlights, and other officers' flashlights that I could clearly see the suspect and the weapon he was holding during this incident. I believe I was backpedaling when I started firing. I believe the suspect was only ten feet away when I started firing and he was closing the distance before he collapsed. I did not have any cover or concealment during this incident. Nor did any of the other officers on scene.

The situation unfolded very quickly once the suspect parked and got out of his car. I would estimate that only 30-40 seconds passed between him getting out and lunging toward me and other officers with the knife. Before I caught up with I knew the suspect reportedly had a knife, had threatened several motorists, and that he had stabbed his own vehicle several times before taking off on

From the time the suspect got out of his vehicle until he lunged towards me, he never dropped the weapon. He was given repeated, loud commands by multiple officers in both English and Spanish to get on the ground and put his hands in the air, but he refused to comply or give any indication of surrender. In fact, his actions only became more erratic and aggressive as time went on. Specifically, after deployed his taser (which was ineffective), the suspect immediately turned around to face me and the other officers. He started walking towards us while yelling and throwing his arms and hands up and down aggressively as though he was getting ready to attack. He was still holding the weapon at that time. After he took a few steps, he cut south and started walking towards me and the officer next to me (who I believed was

by backpedaling. But moments later, the suspect suddenly lunged and started sprinting towards me while raising the weapon in the air. Though I was still backpedaling, immediately I knew that I could not keep pace with the suspect such that he would close the distance in an instant. I believed he intended to stab me and/or the officer immediately next to me and that I and possibly one or more officers would be grievously injured or killed by the suspect's attack, and it was then I fired my weapon. At the times I fired my weapon, I did not believe I had any other reasonable alternative to protect my life or the lives of the other officers from the deadly threat presented by the suspect's actions.

I learned after this incident that the suspect was named Noel Hernandez. I do not know that person, and I do not think I have ever previously encountered him.

I have now had the opportunity to review the footage of this incident. My review of the footage shows that the light on my gun was in fact on during this incident. The footage also shows that I took a slightly different route after officers located the suspect: I turned south/right onto South Brinker Avenue from Sullivant Avenue; I drove south and turned west/right on Eakin Road; I took that street until Demorest Road, where I turned left/south; I turned right/west onto Clime Road and continued to Georgesville Road, where I turned right/north; finally, I turned left/west onto Sullivant Avenue, where I caught up to a short distance later.

I recalled attempting to tase the suspect as he was walking away from us towards the motorist; however, actually attempted to tase the suspect a second time after he turned around and began walking towards us. The second taser deployment was not effective, however. I believed had been standing to my right/north when we

confronted the suspect, but it was actually

The footage shows that I was backpedaling during all my shots and that I fired all my rounds in just under two seconds.

This concludes my statement.