



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

To: Ohio Attorney General's Office; Special Prosecutions Section
Cc: Mark Kollar, Special Agent Supervisor, Ohio BCI
From: Al Banský, Special Agent, Ohio BCI
Date: October 28, 2019
Involves: Beachwood Police Officer [REDACTED]; Jaquan Jones
Case Title: Beachwood Officer-Involved Shooting
BCI Case Numbers: Special Investigations (SIU): 2019-2096
Crime Scene (CSU): 2019-2093
BCI Laboratory: 19-35630

Investigative Request

On Thursday, June 27, 2019, the Beachwood Police Department requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer-involved shooting incident. The incident reportedly occurred on June 27, 2019, in the area of the Beachwood Place Mall (Saks Fifth Avenue) parking lot, 26100 Cedar Road, and resulted in the injury of Jaquan Jones.

Preface:

This report serves as a synopsis of the investigation into the June 27, 2019, officer-involved shooting in Cuyahoga County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officer's actions.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

Investigative Team

BCI Special Agent Al Banský (S/A Banský) was assigned as the lead SIU case agent. SA Banský received assistance in the investigation from S/A Cory Momchilov, S/A Charles Moran and S/A Charlie Snyder. BCI Special Agents Dan Boerner and Andrew Harasimchuk of the Crime Scene Unit processed the scene of the incident, documenting, preserving and collecting possible evidence. The investigation was supervised by Special Agent Supervisor Mark Kollar. Additionally, various personnel from the BCI crime laboratory performed scientific analyses on submitted items of potential physical evidence.

Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation, by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Recorded interview of Beachwood Police Officer [REDACTED], who discharged his weapon.
- Recorded interviews of seven additional Beachwood officers who were involved in the incident, at the scene, or otherwise deemed to potentially have relevant information
- Recorded interview(s) of the involved subject and other subjects directly involved in the incident
- Interviews of four civilian witnesses to the incident
- Interviews of seven first responders or medical personnel
- Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving records, etc.
- FBI National Crime Information Center (NCIC) checks on any non-law enforcement weapons involved in the incident (to determine if reported stolen)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace on any non-law enforcement weapons involved in the incident (to determine ownership history)
- Review of all available dash cameras involved in the incident
- Review of all available body cameras involved in the incident
- Review of all available surveillance video which captured any portion of the incident

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

- Processing of the scene for potential evidence (photographing, searching, measuring, documenting, and collecting)
- 3D scans / model of incident area
- Processing of involved vehicles for potential evidence
- Shooting reconstruction and trajectory analysis
- Reviewed audio communications on the radio frequencies utilized during the incident
- Review of 911/phone communications related to the incident
- Review of dispatch/CAD records pertaining to the incident
- Review of Mobile Data Terminal (MDT) communications relative to the incident
- Review of the department's reports, photographs, and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement
- Obtained search warrants for the subject's DNA
- Conducted forensic laboratory examinations to include:
 1. Firearm identification testing of involved firearms, casings, and bullets
 2. Firearm operability testing
 3. DNA
- Collected and reviewed the departmental personnel files of the officers involved in the shooting, to include training and disciplinary records (if any)
- Reviewed firearm qualification and training records for involved officers
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officer(s) who discharged their weapons
- Obtained the department's policies and procedures regarding use of force for prosecutorial review
- Enhancement of audio/video recordings through the assistance of the Ohio Organized Crime Investigations Commission
- Reviewed medical records of those injured, obtained through search warrant
- Reviewed EMS records pertaining to their response and the treatment administered
- Performed records checks, including LEADS, for the vehicle(s) involved in the incident
- Reviewed tips, social media posts, and pertinent statements made in the media regarding the incident

Incident Summary/Overview

On June 27, 2019, at approximately 1437 hours, the Beachwood Police Department (Beachwood PD) responded to 26100 Cedar Road, Beachwood Place Mall, Saks Fifth

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

Avenue/Dillard's, in reference to a black male subject wearing a red hoodie and blue jeans who was observed by mall security committing a theft of a baseball cap.

The subject exited the north side of the building and got into a gray 2014 Nissan Sentra four door, VIN: # 3N1AB7AP8EY283301, bearing Ohio registration HEU4822, registered to Steve J. Orosz.

Beachwood Police Officer (Ofc.) [REDACTED] arrived in the mall parking lot and observed the subject getting into the gray Nissan Sentra. Ofc. [REDACTED] exited his vehicle and started ordering the subject several times to get out of the car. The subject reportedly refused to get out of the vehicle and started ducking down with both of his hands underneath the dashboard area.

The gray Nissan Sentra had dark tinted windows and Ofc. [REDACTED] said that he couldn't see what the subject was doing due to the window tinting. Ofc. [REDACTED] drew his service weapon and ordered the subject multiple times to get out of his vehicle. The subject then came back up to a full-seated position, started the vehicle and began driving backward from the parking spot.

The subject then stopped, turned his wheel to the left and started moving forward, toward where Ofc. [REDACTED] was standing. The subject then accelerated his vehicle toward Ofc. [REDACTED]. According to Ofc. [REDACTED], he felt that he had nowhere to go and felt that he was going to get drug underneath the subject's vehicle.

Ofc. [REDACTED] fired two shots and saw the impact on the dark tinted windshield of the subject's vehicle. The subject just kept on driving, striking two parked vehicles while fleeing the scene.

During this incident, Beachwood communications received confirmation from the Cleveland Police Department that the gray Nissan Sentra was reported stolen. Ofc. [REDACTED] noticed his left boot had a tire impression (top portion), which apparently came from the gray Nissan Sentra.

Several Beachwood police officers continued to pursue the subject as he left the mall parking lot. The subject continued driving at a high rate of speed on several streets. The vehicle pursuit ended when subject turned into the driveway at 740 Azalea Drive, South Euclid, Ohio, and fled the scene on foot, leaving the vehicle in the driveway.

The Beachwood Police Department then notified and requested assistance from the Ohio Bureau of Criminal Investigation with investigating the officer-involved shooting.

The subject was later identified as Jaquan Jones out of Cleveland, Ohio. On July 28, 2019, Beachwood Police Detective John Finucan filed felonious assault charges on Jones.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

Physical Evidence

The Ohio Bureau of Criminal Investigation's Crime Scene Unit was requested to respond to the scene of the shooting in order to document and preserve any items of potential evidence. Multiple agents responded and processed the scene, to include photographing and mapping the area, as well as the search for, documentation and collection of items of possible evidence. Detailed crime scene reports were completed with the below information only summarizing some of the more significant findings.

S/A Boerner and S/A Harasimchuk arrived and conducted a walk-through of the reported scene. The scene can be described as the parking lot of the Beachwood Mall, north of the north entry/exit doors for 21600 Cedar Rd., Beachwood, Ohio 44122, in front of Saks Fifth Avenue. The subject's vehicle was reportedly parked in between four vehicles, facing west of the parking lot.

Ofc. [REDACTED] was assigned to police unit 1239 at the time of the incident and his vehicle was reportedly not moved after the incident. The scene contained three evidence placards, placed in the scene by members of the Beachwood Police Department. Beachwood Police Department placards were used for evidence identification purposes. The scene was subsequently photographed as it was found and documented using a FARO Focus S70 laser scanner.

While processing the primary scene, located at 21600 Cedar Rd., Beachwood, Ohio 44122 (Saks Fifth Avenue), S/A Boerner learned that while other police agencies were tracking the suspect at a residence, located at 688 Azalea Dr., South Euclid, Ohio 44143, a Matthew Gilbride reported, when he came home, his front door was found opened. Gilbride reported that when he left his residence, the doors were closed, but not locked. Gilbride reported that upon searching the interior of his residence, he observed what appeared to be a bloody towel located near the front door. S/A Boerner was requested to assist with the processing of this residence.

In addition, S/A Boerner learned that the subject's vehicle (a gray 2014 Nissan Sentra 4-door, VIN: 3N1AB7AP8EY283301, bearing Ohio registration HEU4822 and registered to Steve J. Orosz) was abandoned in the front yard of 740 Azalea Dr., South Euclid, Ohio 44121 during a pursuit.

Arrangements were made to have the vehicle towed to 1349 S. Green Rd., South Euclid, Ohio 44122 (South Euclid Police Department) for processing. The vehicle owner (Steve J. Orosz) was located and signed consent to search form.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

It should be noted, on this same date, S/A Boerner and S/A Harasimchuk, processed the following five crime scenes.

1. 26100 Cedar Road, Beachwood, Cuyahoga County, Ohio 44122 (Items 1-5)
2. 2700 Richmond Road, Beachwood, Cuyahoga County, Ohio 44122 (Items 1 & 3-7)
3. 736 & 740 Azalea Drive, South Euclid, Cuyahoga County, Ohio 44121 (Items 1-2)
4. 688 Azalea Drive, South Euclid, Cuyahoga County, Ohio 44121, (Items 1-6)
5. 1349 South Green Road, South Euclid, Cuyahoga County, Ohio 44122 (HEU4822) (Items 1-14)

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

S/A Boerner and S/A Harasimchuk submitted the following evidence items to the BCI Laboratory:

Item #1- Cartridge case spear, 45 (auto) located near a silver Ford (GOE 2914) mall parking lot.

Item #2- Cartridge case spear, 45 (auto) located near a silver Ford (GOE 2811) mall parking lot.

Item #3 - Nissan Sentra hubcap, located near vehicle (BPD 1239).

Item # 4 - Misc., vehicle debris, located near vehicle (BPD 1239).

Item # 5 – Thumb drive surveillance from the Store called the Next.

Item # 6 – Hand towel containing stains recover from 688 Azalea Drive.

Item # 7 – Firearm, serial # 32093487 with mag and round in chamber, recovered from Nissan Sentra.

Item # 8 – Swab taken from Nissan Sentra.

Firearms and Findings

The BCI Firearms Section performed an analysis of the officer's firearm, as well as the firearm-related evidence collected from the scene, and vehicle (casings and bullets). By comparing evidentiary cartridge casings/projectiles to known standards from each weapon, identifications



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

were able to be made as to which casings/projectiles were fired. Of the casings/projectiles recovered, the following identifications were made:

The Heckler & Koch 45 Auto semi-automatic pistol, (Ofc. ████████) Item #3, was examined; test fired and determined to be operable. Two (2) of the submitted cartridges were used for testing. Test fired specimens from law enforcement firearms are not entered into the NIBIN database.

The SCCY 9mm Luger semi-automatic pistol (Suspect), Item #4, was examined, test fired and determined to be operable. Two (2) BCI supplied cartridges were used for testing. A test fired cartridge case was entered and searched in the NIBIN database. Note: Weapon was found outside of the residence of 740 Azalea Drive.

The Ruger 9mm Luger semi-automatic pistol, Item #7, was examined, test fired and determined to be operable. Two (2) BCI supplied cartridges were used for testing. A test fired cartridge case was entered and searched in the NIBIN database. Note: Weapon was found in the suspect's Nissan Sentra.

Items #1 and #2 were each examined and found to be one (1) fired Speer brand 45 Auto cartridge case. Microscopic comparisons of the two (2) fired cartridge cases from Items #1 and #2 with test fired cartridge cases from Item #3 revealed matching breech face marks. This finding confirms Items #1 and #2 were both fired in Item #3.

Witnesses

TYLER BUTLER:

Butler advised he was one of several security staff personnel working at the Beachwood Place Mall when he received notification of an alleged theft of a hat, taken from Dillard's Department Store by a black male subject wearing a red color hoodie type sweatshirt and blue jeans.

Butler stated he made contact with the same subject near the "Next" store and ordered the suspect to stop and also notified the Beachwood Police Department. Butler stated the suspect fled on foot, running into Saks Fifth Avenue, where Butler lost contact.

Butler stated a short time later, he learned through the radio traffic, shots were fired in the parking lot area. Butler stated the subject was a black male, 5'10" to 6', wearing a tight red hooded sweatshirt and blue jeans with close-cropped hair.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

MAVERICK WEAVER:

As Mall Security Ofc. Maverick Weaver, Weaver stated he saw the suspect running towards Saks Fifth Avenue north lot from Saks dock area. Weaver saw the suspect enter his car and saw Beachwood Police Ofc. ██████ pull his car in front of the suspect's car.

Weaver stated he then saw ██████ get out of his car and say "I will tase you" if you don't get out of the car. The suspect then put his car in reverse and proceeded to back up. Weaver stated he then witnessed the suspect's car going down the aisle, when two Beachwood Police cars had blocked the suspect from doing so. Weaver stated he saw ██████ then move closer to the suspect's vehicle.

Weaver stated the suspect then proceeded to pull back through, which the suspect had almost hit Ofc. ██████. Weaver stated he heard 2 to 3 shots. The suspect had then drove between ██████ vehicle and a black SUV Porsche and begun to drive away.

KATRINA STERLING:

Sterling advised she arrived at approximately 1450 to 1500 hours, to begin shopping at the Beachwood Mall. Sterling parked outside and near the Saks Fifth Avenue store. Sterling observed police chasing a young male subject. Sterling observed the young male run out of the doors, followed by police and observed the young male run to and enter a nearby vehicle.

A police car then pulled in front of the young male's vehicle, blocking him in. The young male reversed his vehicle in an apparent effort to evade capture. Sterling advised she observed the pursuing police officer had his firearm drawn at this point. Sterling advised, knowing the officer "...was going to start shooting..." and then heard gunshots. Sterling stated she heard two or possibly three gunshots, because she was getting down inside her vehicle.

Sterling heard the young male's vehicle crash into or sideswipe something. Sterling stated when she looked up, she did not see the young male's vehicle driving towards the officer and it was "reversing" and did not hit her vehicle. Sterling stated she heard the officer say, "Get out of the fuck car – stop - get out of the fucking car – get out of the fucking car – unlock the door – get out of the car."

AUSTIN HAGLER:

Hagler stated as he was leaving Saks Fifth Avenue loading up his vehicle, he noticed an officer chasing a suspect with his SUV. Hagler stated the suspect then hopped in a red Nissan Sentra.



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

Hagler stated suspect grabbed the door and put his car in reverse, backed up then went into drive.

Hagler stated, "The officer looked at the lady in front of us and then looks at us and then opened fire." Hagler stated he heard two shots as the suspect fled out the mall lot. Hagler stated the suspect struck a Porsche and an SUV. Hagler stated the first shot was in the driver's window, and the second shot was towards the ground. Hagler stated the suspect was a black male, late 20s, red shirt, dark pants and tint on the car windows.

MELANIE WILSON:

Wilson stated she and her husband and daughter were leaving out of Saks Fifth Avenue when they overheard employees stating someone was stealing and got away. Wilson stated as they were loading their baby in the car, they heard the police say "stop".

Wilson stated a guy backed-up and the police tried blocking the car in. The guy stared, driving away as the police officer started shooting. There was a young lady getting her son out the car. Wilson stated the officer looked at her, looked at Wilson's husband and started shooting.

Officer Interviews

The following paragraphs are extremely abbreviated versions of each officers' account of his or her actions pertaining to this incident and/or discharging their weapon. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview.

BEACHWOOD POLICE OFFICER [REDACTED]:

Ofc. [REDACTED] said while on patrol, a call went out from Beachwood Police Ofc. Gray reporting there was a shoplifter who left the store of Dillard's (Beachwood Mall) with merchandise. Ofc. [REDACTED] entered the Beachwood Place Mall parking lot, in front of Saks Fifth Avenue, when he observed a mall security officer running toward [REDACTED] and looking in some bushes near a dumpster.

Ofc. [REDACTED] was looking towards the bushes, while dispatch was giving out the description of the suspected shoplifter. Dispatch advised that the suspect was wearing a red hoodie and blue jeans. Ofc. [REDACTED] then saw parts of a red hoodie when the suspect ran out of the bushes, in front of his police vehicle towards the parking lot.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

Ofc. ██████ had his police cruiser's window down and started yelling for the suspect to stop; he believed his words were something to the effect, "stop or I'm going to tase you" as the suspect continued to run toward some parked vehicles. Ofc. ██████ drove his police cruiser between two vehicles, which later turned out to be "one of the vehicles" which the suspect fled in.

The suspect "ducked" behind the cars and Ofc. ██████ lost sight of the suspect, unable to see what the suspect was doing. Ofc. ██████ got to the point when he could see the suspect again. The suspect jumped into a vehicle, it was a small dark sedan with tinted windows and Ofc. ██████ could not see him.

Suspect then jumped into the vehicle, suspect looked at Ofc. ██████ as he was exiting his vehicle. Ofc. ██████ then ordered the suspect to get out of the car. Suspect kept ducking down and Ofc. ██████ could not see what the suspect was doing. Ofc. ██████ said, "I couldn't see what his hands were doing." Ofc. ██████ continued, "I drew my service weapon on him and ordered him multiple times to get out of his vehicle."

Suspect then put the vehicle in reverse and started driving backwards, out of the spot. He then backs up in the adjacent aisle, turned his wheel a little to the left. Ofc. ██████ said he tried to get the suspect out of the car, but suspect wouldn't "listen, wouldn't comply."

The suspect turned the wheel to the left, back towards where Ofc. ██████ was standing and, "jumped on the accelerator and I felt that he was going to get dragged underneath the car." Ofc. ██████ stated, "I remember going to that funnel, with parked cars on my left and on my right. I didn't know what he was doing. "I tried to get away and when I felt I had a clear shot, I took it."

Ofc. ██████ remembers firing "two shots and seeing the impact on the dark tinted windshield. He just kept on driving; he rammed a car, just left. As he left, all I could remember at this time was the flash point of the shots."

BEACHWOOD POLICE OFFICER ANTHONY GRAY:

Ofc. Gray reported on June 27, 2019, at approximately 1442 hours, he received information from Beachwood Place Mall Security that a theft was in progress at Dillard's, 26500 Cedar Rd. Suspect had concealed a hat under his hoodie. Ofc. Gray located the suspect in the upper level Nordstrom wing as he was exiting the store called Next. Ofc. Gray attempted to approach the subject; subject jumped over a closed escalator sign and ran down the escalators near Nordstrom.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

Ofc. Gray lost sight of the suspect as he approached the lower level center court area. Ofc. Gray went back to his vehicle and received information that the suspect had left out of the north Saks Fifth Avenue doors and was running through the parking lot.

Ofc. Gray began to drive toward the parking lot and approached the George Zeiger mall exit drive. Ofc. Gray then heard "shots fired call" come over the radio. Ofc. Gray was then advised that the subject was fleeing in a gray Nissan and was headed toward Cedar Road. Ofc. Gray observed the vehicle driving down the outer ring toward the Cedar Road exit.

Ofc. Gray initiated a pursuit and was advised that the vehicle was reported stolen out of Cleveland. Once the suspect turned north onto Azalea Drive and into the driveway at 740 Azalea, suspect fled the scene on foot, leaving the vehicle in drive.

A perimeter was established and Ofc. Gray began tracking with his K9 Kai. Kai picked up a track and it was followed it west on Monticello and north through the side yard of 4547 Monticello. Kai alerted on a red hoodie in the rear yard of the residence. The hoodie was consistent with the one the suspect was wearing and appeared to have two holes in the right shoulder area and was soaked in blood.

Ofc. Gray was then notified by Lt. Atterbury that the resident at 740 Azalea, James Barrett, had located a firearm on the back porch of his residence.

BEACHWOOD POLICE OFFICER PATRICK SZUHAY

Ofc. Szuhay reported on June 27, 2019, he received information that a male suspect was committing a theft offense from Dillard's, had exited the store and was currently inside the store called Next. Ofc. Szuhay responded to the Beachwood Place Mall. Ofc. Szuhay then received information that the subject was located and had exited Dillard's. While Ofc. Szuhay was in the east side of the mall parking lot, he observed Ofc. [REDACTED] exit his cruiser and order the suspect to surrender at gunpoint.

Ofc. Szuhay observed a small, grey four-door sedan going in a reverse motion from a parking spot at a high rate of speed directly in front of Ofc. [REDACTED].

Ofc. Szuhay was able see the vehicle drive forward directly toward Ofc. [REDACTED] as he held the driver at gunpoint while ordering him to surrender. Ofc. Szuhay heard two gunshots but was unable to determine the source of the shots, as his view was slightly obstructed.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

The vehicle continued traveling forward and struck a parked car as it headed toward the north exit of the parking lot and then struck a white Audi A6 (Ohio Registration HJQ9454) and continued out of the mall parking lot.

BEACHWOOD POLICE LIEUTENANT CHRIS ATTERBURY:

On June 27, 2019, Lt. Atterbury reported he responded to the Beachwood Mall after receiving information from Ofc. Gray that he was in a foot chase with a shoplifting suspect and they were running out of the north doors of Saks Fifth Avenue.

As Lt. Atterbury drove toward the north side of Saks Fifth Avenue doors, he observed Ofc. [REDACTED] exiting his vehicle with his duty weapon drawn and observed a silver Nissan rapidly backing out of a parking spot. The Nissan then rapidly accelerated forward from the parking spot as Ofc. [REDACTED] was still on the driver side of the Nissan.

Lt. Atterbury was still seated in his cruiser and could not see what the driver of the Nissan was doing due to the Nissan having tinted windows. Lt. Atterbury said it appeared that Ofc. [REDACTED] was in close proximity to the side of the Nissan. Lt. Atterbury observed Ofc. [REDACTED] fire two rounds from his duty weapon into the driver side of the Nissan. Lt. Atterbury saw the impact from one of Ofc. [REDACTED] rounds hitting the windshield before the Nissan continued to flee and made its way out of the parking lot.

Dispatch-Related Information

S/A Bansky received and reviewed the following 911 CAD reports and noted the following:

- 14:42: (075) Dillard's has a theft suspect in Next clothing store/B/M red hoodie jeans.
- 14:42: (075) Lower level, towards center court/now heading towards Saks lower level.
- 14:42: (075) Now exiting the Saks door.
- 14:43: (076) Male is outside of Saks.
- 14:44: Shots fired/vehicle is heading towards Richmond and struck two vehicles.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

14:44: (075) Vehicle N/B Richmond gray Nissan reg. HEU 4822 – Stolen vehicle out of Cleveland PD / 076, gunshots were from 076, the suspect came at him with the vehicle/not sure he was hit.

14:45: (075) N on Meadow Wood, Lyndhurst PD advised.

14:46: (075) Heading N on Winchester.

14:46: (075) Coming up to Mayfield on Winchester.

14:47: (075) Approaching Richmond Road.

14:47: Richmond N/B at Anderson

14:48: (075) Now heading W/on Monticello.

14:48: (075) Entering S Euclid W/B at Trebisky Road, slowing down, Crestview Court. Now N, N Azalea from Monticello.

14:49: (075) Male bailed out of vehicle and is on foot, running W/B up Monticello.

14:49: (075) Running W/B up Monticello.

14:50: (075) Male in backyards, need a perimeter, W/B Monticello and Parkside area.

14:50: (075) Heading back to the vehicle to start tracking.

14:51: (L28) Female advised male ran through 4547 Parkside heading North/ Richmond Heights, and South Euclid advised.

14:52: (075) Asking for back up at Monticello and Azalea, Metro Park Rangers advised.

15:01: (075) Male ditched the red hoodie. 15:02: (C23) Advised BCI was called.

15:08: (S5) Reg., VUK279 in PC-vehicle struck by suspect vehicle.

15:13: (C23) BCI Supervisor called back, advising a BCI unit is enroute.

15:24: (075) K-9 tracks ended.

15:27: (064) Out speaking with owner of HJQ9454, OH, PC, in North Saks lot, struck by suspect's vehicle. 15:27: Gun located on back porch of 740 Azalea (9mm-SCCYCP1 444636-comes back nothing in file.)

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

15:35: (L28) Have police tow, respond to 740 Azalea for suspect's vehicle, Rich's advised.

15:39: (L28) Hold off on tow for now/Rich's advised.

15:40: OSP and helicopters are enroute.

15:43: Red hoodie at 457 Monticello, gunshot in right shoulder with blood.

15:48: Euclid, Richmond, Hillcrest, South Pointe, AHUJA and Marymount Hospitals advised.

1548: Suspect photo sent to HHCC.

15:58: Metro and Cleveland Clinic Hospital advised.

16:04: (072) Out on Azalea with L28 and 075.

16:13: K-9 starting tracking one house West of 740 Azalea / BCI on scene.

16:31: Forced entry and bloody rag and blood found at 688 Azalea.

16:40 (075) Entering home at 688 Azalea to search.

16:44 BCI Agent enroute to 688 Azalea/085 back on scene.

16:46 (075) House at 688 Azalea is clear but there was evidence located there.

17:00 (075) OSP starting a track at the rear of 688 Azalea, west through the woods.

17:03: (L28) BCI on scene. 1711: South Euclid checking residence at 4467 Monticello.

17:19 (I28) OSP-K-9 tracking near perimeter, West of Parkside in area of 672 Azalea.

17:30 (075) OSP-K-9 tracking ended.

17:52 (L28) OSP helicopter touring area in 20-25 minutes/HHCC, Highland Heights, Lyndhurst, all advised.

19:10 (072) OSP calling off search/HHCC, Highland Heights, Lyndhurst and Richmond Heights, all advised.

19:14 (L28) Requesting police tow for HEU4822 (SUV Vehicle) at 740 Azalea / Rich's advised and enroute. Vehicle will be towed for BCI to process (Hold for processing).

19:48 Stolen vehicle hit confirmed, sent to Cleveland PD.



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

19:55: Cleveland confirmed vehicle is stolen. Recovery information was given to them (Missing rear bumper, damage all around the exterior, vehicle will be at South Euclid for processing. We will advise when vehicle is ready for release through our department. Cleveland PD will advise owner direct.)

Video Recordings

S/A Bansky received and reviewed video dash cameras from several Beachwood police officers.

Video recordings from dash cameras of Beachwood Police Ofc. [REDACTED], Ofc. Szuhay and Lt. Atterbury were sent to the Ohio Organized Crime Investigation Commission (OCIC) to perform various enhancements, such as slowing down and enlarging the videos and adding a sound bar.

S/A Bansky played and reviewed the video in the RealPlayer which allowed the viewing of the video frame by frame. OCIC Analyst Loomis placed a timer and sound bar on the video which allowed S/A Bansky to determine when the cruiser cam recorded certain sounds. S/A Bansky noted the following images.

- Images captured the suspect could be seen entering a gray color vehicle which was parked in the parking lot, in front of Saks Fifth Avenue. Suspect could be seen wearing a red shirt/sweatshirt. Suspect could be seen driving in a reverse direction from the parking spot it was in. Ofc. [REDACTED] could be seen on foot following the gray Nissan.
- Images captured Ofc. [REDACTED] with his weapon drawn, moving toward the left side of the gray Nissan driver's window.
- Images captured the gray Nissan's wheels turned and moving toward Ofc. [REDACTED]. Ofc. [REDACTED] body appeared to be in a close proximity of the gray Nissan's driver's side window.
- Images captured the gray Nissan's front tires turned more in a left position toward Ofc. [REDACTED].
- Images captured Ofc. [REDACTED] positioned between the left side driver's window and the passenger window. The first gunshot fired by Ofc. [REDACTED] can be heard or captured on the audio wave bar.
- Images captured Ofc. [REDACTED] positioned more toward the passenger side rear window of the Nissan. The second shot fired by Ofc. [REDACTED] can be heard or captured on the audio wave bar.
- Images captured the gray Nissan leaving the mall parking lot.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

A comprehensive report was completed regarding the review of the OCIC composite video. Refer to that report located in the case file section of this report.

In addition, S/A Bansky received and reviewed store videos from the Next and Dillard's. The following information was captured from these videos.

VIDEO RECORDINGS FROM THE STORE CALLED THE NEXT:

On June 28, 2019, at 02:48:56, the video showed a black male, wearing a red hoodie, grayish blue jeans and white tennis shoes entering the Next clothing store. Note: According to reports, this same subject was being chased for shoplifting and was involved in an officer-involved shooting incident which occurred in the Beachwood Place Mall parking lot. Subject was later identified as Jaquan Jones.

On June 28, 2019, at 02:49:04, the video showed two other black male subjects who appear to be with Jones. The first black male subject had a beard and was wearing a dark shirt, dark pants and black and white tennis shoes. The second black male subject was wearing a dark shirt, gray pants and black shoes.

On June 28, 2019, at 02:52:59, the video showed Jones and both subjects leaving the store.

It should be noted the time stamp from the Next clothing store date showed June 28th and not June 27th, when the shoplifting incident occurred. According to Laclitric Neal, manager for the Next clothing store, she believed that the time stamp was turned off sometime in November of 2019 due to some remodeling. Neal advised this could be the reason why the time stamp is showing June 28th and not June 27th.

VIDEO RECORDINGS FROM DILLARD'S (POLO SECTION):

On June 27, 2019, at 14:21:41, the video showed Jones and the same two subjects who were in the Next clothing store, walking around in the Polo section of Dillard's.

On June 27, 2019, at 14:22:44, the video showed Jones and both subjects looking and handling clothing.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

On June 27, 2019, at 14:23:14, the video showed Jones putting on a red, white and blue baseball type cap and walking away.

On June 27, 2019, at 14:23:17, the video showed Jones removing his cap and doing something to the cap.

On June 27, 2019, at 14:23:36, the video showed Jones with both subjects, continuing to do something to the cap.

On June 27, 2019, at 14:23:52, the video showed Jones putting the cap back on and doing something to the back of the cap. It appeared that Jones was doing something to the security alarm tag that was attached to the back of the cap.

On June 27, 2019, at 14:24:02, the video showed Jones standing in front of a mirror while wearing the cap.

On June 27, 2019, at 14: 24::04, the video showed Jones turning the cap backwards on his head.

On June 27, 2019, at 14:24:07, the video showed Jones removing the cap from his head and he continued to do something to the back of the cap.

On June 27, 2019, at 14:24:22, the video showed Jones putting on the cap and continuing to do something to the back of the cap.

On June 27, 2019, at 14:24:45, the video showed Jones continuing to do something to the back of the cap.

On June 27, 2019, at 14:24:23, the video showed Jones what appears to be attempting to remove the security alarm tag.

On June 27, 2019, at 14:24:46, the video showed Jones putting the cap back on and starting to walk away.

On June 27, 2019, at 14:26:21, the video showed Jones looking and handling a pair of shorts that resembled the colors of the cap he was trying on. Jones picked up a shirt and was walking to a dressing room. Note: At this point, the cap wasn't seen in Jones' possession.

On June 27, 2019, at 14:31:35, the video showed Jones coming from the dressing room and handing the sales clerk the shirt he had.



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

On June 27, 2019, at 14:32:05, the video showed Jones grabbing a red, white and blue cap (cap appeared to resemble the same cap Jones was trying on earlier) from a clothing rack. Video showed Jones walking through the store.

VIDEO RECORDINGS FROM DILLARD'S (COSMETICS SECTION)

On June 27, 2019, at 14:33:03, the video showed Jaquan Jones going up on the store escalator. Jones was still wearing a red hoodie, grayish blue jeans and white tennis shoes.

On June 27, 2019, at 14:33:00, the video showed Jones going up on an escalator to the next floor.

On June 27, 2019, at 14:33:50, the video showed Jones coming back down the escalator with the same two male subjects who were seen in the Next clothing store video.

On June 27, 2019, at 14:33:59, the video showed Jones along with the same two male subjects in the cosmetics area.

On June 27, 2019, at 14:34:33, the video showed Jones with a red, white and blue ball cap in his right hand as he walked around and then leaving the cosmetics area.

Conclusion

Based upon documents reviewed, physical evidence recovered, and interviews conducted, investigation supports the following conclusions, facts, and/or information:

S/A Bansky confirmed that on June 27, 2019, at approximately at 14:42 hours, 911 received information that Dillard's had a shoplifter who was wearing a red hoodie and blue jeans and was in the company of two other black male subjects.

S/A Bansky confirmed at approximately 1438 hours, Beachwood Police patrol officers responded to Beachwood Place Mall after it was reported that a theft had occurred at Dillard's.

Patrolman Anthony Gray along with other responding officers located the suspect, a small-framed black male wearing a red hoodie sweatshirt, just outside of the Next store on the Nordstrom wing of the mall. When officers attempted to approach the suspect in the area of

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

the Next store, the suspect turned and fled on foot, ran down an escalator and headed toward Saks Fifth Avenue.

Ofc. [REDACTED] entered the Beachwood Place Mall parking lot, in front of Saks Fifth Avenue, when he observed a mall security officer running toward and looking in some bushes near a dumpster. As Ofc. [REDACTED] was looking toward the bushes, he observed parts of a red hoodie when the suspect ran out of the bushes in front of his police vehicle towards the parking lot.

While Ofc. [REDACTED] had his police cruiser's window down, he started yelling for the suspect to stop or he was going to tase him. The subject continued to run toward some parked vehicles which were located in the parking lot.

The subject jumped into a gray color Nissan Sentra with tinted windows. Ofc. [REDACTED] exited his vehicle and started ordering the suspect out of the car. The subject kept ducking down with both of his hands underneath the dashboard area.

As Ofc. [REDACTED] continued ordering the suspect out of his vehicle with his service weapon drawn, the subject came back up to a full-seated position, started the vehicle, put the vehicle in reverse and started driving backwards, out of the parking spot. The subject then turned his wheel to the left and started driving forward.

The subject then accelerated his vehicle towards Ofc. [REDACTED]. Ofc. [REDACTED] stated he felt he was going to get dragged underneath the car. Ofc. [REDACTED] then fired two shots at the subject's vehicle. Ofc. [REDACTED] remembered seeing the impact of the shots striking the front windshield. The subject then fled the parking lot.

Several Beachwood police officers initiated a pursuit after the suspect. Officers pursued the suspect to South Euclid. Once the suspect turned north onto Azalea Drive and into the driveway at 740 Azalea, the subject fled the scene on foot, leaving the vehicle in the driveway.

Beachwood 911 received confirmation that the gray 2014 Nissan Sentra, which the subject was driving (registration: HEU 4822), was stolen from the Cleveland area. Note: vehicle reported stolen at 14:44 hours.

A perimeter was established and Ofc. Anthony Gray began tracking with his K9 Kai. Kai picked-up a track and it was followed west on Monticello and north through the side yard of 4547 Monticello and into the rear of the residence. Kai alerted on a red hoodie in the rear yard of the residence. The hoodie had two holes in the right shoulder area and was soaked in blood.

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Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



2019-2580

Ofc. Gray was then notified by Lt. Atterbury that James Barrett, who lives at 740 Azalea Drive, had located a firearm on the back porch of his residence.

South Euclid Police received a call of a break-in at 688 Azalea Drive. Officers discovered a bloody towel found at the front door.

On June 28, 2019, Cleveland Police identified the shoplifting suspect as Jaquan Jones.

On July 24, 2019, BCI Laboratory provided the following information about seven evidence items that were submitted by S/A Dan Boerner on July 1, 2019:

Lab Item 4.1: and Lab Item 4.2: Swab of handgun and base of magazine, serial # 444636, found at 740 Azalea Drive, DNA Conclusion: Mixture (1 major contributor).

Lab Item 5.1: and Lab Item 6.1: Swab of stain from sweatshirt and cutting from a hand towel. DNA Conclusion: Presumptive positive for blood.

Lab Item 8.1: Swab of stain from stolen Nissan Sentra, DNA Conclusion: Mixture (Mixture 1 major contributor).

Note: The DNA regarding the four above items are consistent with Jaquan Jones.

On July 25, 2019, Jaquan Jones was located and arrested.

On July 30, 2019, S/A Al Banský submitted two buccal swabs to the BCI Laboratory belonging to Jaquan Jones that were obtained by the execution of a search warrant on July 26, 2019, at the Cuyahoga County Jail. In addition, Jones refused to speak regarding this investigation.

Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of S/A Al Banský, and can be reached via email at Al.Bansky@OhioAttorneyGeneral.gov or by telephone 330-623-0130.

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