



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



2023-0795

Officer Involved Critical Incident - 1433 State Route 7, Brookfield Township, Ohio 44403, Trumbull County

Investigative Activity: Interview of Involved Officer
Involves: Officer [REDACTED] (S)
Activity Date: 4/5/2023
Activity Location: Vienna Township Police Department –
856 Youngstown Kingsville Road, Vienna, Ohio 44473
Authoring Agent: SA Charles Moran #67

Narrative:

On Wednesday, April 5, 2023, at 1207 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chuck Moran (Moran) and SA Cory Momchilov (Momchilov) interviewed Vienna Township Police Department (VTPD) Officer (Ofc.) [REDACTED] ([REDACTED]), who was accompanied by his attorney, Mel Lute, from the Baker, Dublikar, Beck, Wiley & Mathews Law Firm. The interview took place at the VTPD. The interview was audio and video recorded.

Ofc. [REDACTED] 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. 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: [REDACTED]	Rank: Officer (Ofc.)
Badge Number: [REDACTED]	Cruiser/Vehicle Number: [REDACTED]
Radio Call Sign: [REDACTED]	Immediate Supervisor: Sgt. Lee Padula
Radio Channel Utilized: 78LE2, through Trumbull County 911 Center	Mobile Data Terminal: Present; Not Used
Cruiser Description: Ford Explorer Police Interceptor with VTPD markings and emblems	Occupants of Cruiser and Seating Positions: Solo
Assignment: Patrol	Normal Shift: 2300-0700 hours or 1900-0300 hours
In-Car Camera: Not Present	Spotlight: Present; Not utilized
Emergency Lights: Present; Not Utilized	Siren: Present; Not Used
Shift Day of Incident: 2300-0700 hours	Duty Status: On-Duty
Days Off: Friday and Saturday prior	Prior Overtime or Extra Details within

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	Preceding 48 Hours: None
Hours of Sleep Prior to Incident: Between 7-9 hours, normal amount	Consider Self Well Rested?: Yes
Total Length as Officer: 6 ½ years	Length at Current Agency: Since August 2022 at VTPD, Braceville Police Department 2017-2020, Orwell Police Department 2018-2019, Newton Falls Police Department 2019-2022, Champion Police Department 2020-2021
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Black boots, dark navy uniform pants and shirt, black hat with "POLICE" in gold lettering, OD green tactical vest, VTPD patches on sleeves of shirt.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Belt – (center to right) pistol in holster with tourniquet, handcuffs, (to left side) handcuffs, hook for keys. Tactical vest – three rifle magazines, two pistol magazines, radio. "POLICE" patches on front and back.
Ballistic Vest: Tactical Armor	Body Worn Camera: Present & Used
Other Recording Devices: None	Partner: Ofc. [REDACTED] (other officer on shift)
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Attends training with Northcoast Peace Officer Training Federation in Burkhill, OH. Vehicle apprehension training, stops & approaches, other aspects of law enforcement activity.	OPOTC Certification: Current and valid, attended academy at Youngstown State University in 2017.
Military Experience/Training: Army National Guard since April 2013 to present as a heavy equipment operator supervisor (Staff Sgt.) Qualifies with firearms annually with Army National Guard.	Use-of-Force Training: Reviewed VTPD policies during pre-employment.
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: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None

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	Last Consumed Alcohol Prior to Incident: Not under the influence of alcohol during the incident.
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Officer's Firearm(s):

Weapon #1

Make: Windham Armory	Model: WW15
Caliber/Gauge: .223 caliber	Serial: [REDACTED]
Type: Rifle	Method of Carry: Sling, no round in chamber, must charge rifle, magazine seated in rifle, carried in gun lock inside cruiser
Magazine Capacity: 30	Total Rounds as Carried (including chamber): 120
Extra Magazines: 3	Number of Rounds in Extra Magazines: 30 each, 90 total in extra magazines
Discharged During Incident? Yes	Primary or Backup Weapon: Backup
Rounds Remaining After Incident: Unknown	Number of Rounds Fired: Did not recall, based on training believes 2-3 rounds
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: August 2022	Type of Holster, if any: None

SA Moran asked Ofc. [REDACTED] if he watched his body-worn camera (BWC) prior to the interview. He responded, "No." SA Momchilov asked Ofc. [REDACTED] if he watched any other BWC videos related to the interview. He responded, "No."

SA Moran asked Ofc. [REDACTED] to provide details of the incident that occurred on March 20-21, 2023. Ofc. [REDACTED] said he arrived at the VTPD at about 2300 hours and met with VTPD Ofc. [REDACTED] ([REDACTED]). At about 2330 hours, he left the VTPD and dispatch called him about the Brookfield Township Police Department (BTPD) having information about the location of the subject that was involved in a vehicle pursuit earlier that day. The BTPD requested additional officers from the VTPD, Ohio State Highway Patrol (OSHP), Lordstown Police Department (LPD), and the Trumbull County Sheriff's Office (TCSO). Ofc. [REDACTED] called Sergeant (Sgt.) Pedulla and told him about the request from the BTPD.

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Ofc. [REDACTED] went to a mechanic shop on State Route 7 and met with BTPD Sgt. [REDACTED] [REDACTED] and BTPD Ofc. Joshua Ellwood-Bellas (Ellwood-Bellas). They waited for the other officers to arrive. Ofc. [REDACTED] had to leave momentarily to respond to another call and returned a short time later. Sgt. [REDACTED] showed the officers an overhead map of the residence and property at 1433 State Route 7. Sgt. [REDACTED] told the officers that the male homeowner told him that he observed a truck with a plow attached at the rear of the property and the truck was reported stolen earlier that day. There was a hunting cabin along the right side of the property driveway leading to back of the property and was about $\frac{1}{2}$ mile back. The plan was to surround the cabin and call the male subject out "peacefully and have him surrender himself."

The officers moved their cruisers closer to the residence and parked them along the roadway. Ofc. [REDACTED] put on his tactical vest and attached his BWC to his vest. When he exited his cruiser, he "charged" his patrol rifle and turned on and checked his optic. The officers moved down the property driveway. Two officers had "thermals" to try to assist with visibility. The officers saw the cabin and light from the cabin with the thermal monoculars.

As they approached a pond near the cabin, Ofc. [REDACTED] heard "loud music" coming from the truck parked nearby. Ofc. [REDACTED] said he could not see the cabin because it was "pitch black." As Ofc. [REDACTED] and the officers moved closer to the cabin, he saw the truck parked in close proximity to the south side of the cabin. Ofc. [REDACTED] used an overhead diagram map to draw the location of the truck. Ofc. [REDACTED] said the TCSO deputy [REDACTED] moved closer and saw the male subject inside the cabin. The male subject was facing north and away from Ofc. [REDACTED] and Deputy [REDACTED]. Ofc. [REDACTED] let other officers nearby know that the male subject was inside the cabin.

Ofc. [REDACTED] said there were other officers moving inside the "tree line" and pointed to the east and north side of the cabin on the overhead diagram map. Ofc. [REDACTED] said an officer stepped on a stick and the male subject "jumped up and looked out the window." The male subject likely saw Ofc. [REDACTED] and Deputy [REDACTED] standing on the south side of the cabin. Ofc. [REDACTED] and the other officers turned on their flashlights, announced the presence of law enforcement, and provided verbal commands.

Ofc. [REDACTED] said the male subject "immediately jumped through the window into the cab of the truck." Ofc. [REDACTED] and Deputy [REDACTED] moved toward the truck; the passenger window was rolled up and they used their rifles to hit the window in an effort to break it, but it did not break.

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Ofc. [REDACTED] stated (25:16), "And he started up the truck and there um, he um, there was a couple officers this way (pointed to area in front of truck on overhead diagram map) over in front of the truck giving commands as well, and he started the truck, immediately slammed on the gas, spinning the tires, me and the deputy are still trying to break the window and as soon as he got traction, me and the deputy backed off. So, I'd say we were standing roughly close to the roadway, I'm not for sure, but it was close to the roadway that we were standing and he took off through the tree line and ran over a couple trees and was um, actively going straight towards another officer, I believe it was a state trooper, at the time I believed that the state trooper's life was in immediate danger and I discharged my rifle at the time." Ofc. [REDACTED] marked two positions (with dots) on the overhead scan map that were in the property driveway on the south side of the cabin indicating that was his location, Deputy [REDACTED]'s location. Ofc. [REDACTED] stated, "I took a shot right through the back window."

SA Moran asked ofc. [REDACTED] what happened after that. Ofc. [REDACTED] said there were five officers shooting and it seemed that the officers started and stopped shooting at about the same times. Ofc. [REDACTED] checked on the other officers and saw Ofc. [REDACTED] standing near the door of the truck and checked on him. Ofc. [REDACTED] radioed that shots were fired and to notify supervisors. Ofc. [REDACTED] and an OSHP trooper checked for a pulse on the male subject. Sgt. [REDACTED] was able to break the passenger side window to cover the male subject while they checked for a pulse. Sgt. [REDACTED] radioed and requested an ambulance.

Ofc. [REDACTED] moved away from the immediate area and called VTPD Chief Lutd and informed him about the incident. After that, TCSO Sgt. Carr and OSHP Trooper Brown arrived at the scene and collected the firearms that were discharged during the incident and placed them in the trunk of Trooper Brown's cruiser. They put up tape around the scene to secure it. The involved officers stayed on the inside portion of the tape and the other officers stayed on the outside the tape. An ambulance arrived at the scene. Shortly after that, supervisors from various agencies arrived at the scene.

SA Moran asked Ofc. [REDACTED] about the condition of the male subject when he checked him for a pulse. Ofc. [REDACTED] said Trooper Boyle checked the male subject for a pulse and did not locate one. Ofc. [REDACTED] saw blood on the male's shirt and a gunshot wound on the back of his head.

SA Moran asked Ofc. [REDACTED] about the initial briefing between law enforcement officers. Ofc. [REDACTED] said he was not present when BTPD officers spoke with the male homeowner, but the BTPD officers told them all of the information that was available. The male subject was involved

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in a pursuit that began in Lordstown and ended on the train tracks in Brookfield Township. The male subject fled the area on foot along a creek bed. Officers went to an address where the male subject's father lived and learned that the male subject knew someone named "Brian" that lived on State Route 7. Sgt. [REDACTED] went to the BTPD and checked records related to that information. Sgt. [REDACTED] said the BTPD received a call regarding a stolen truck Albright McKay Road. BTPD officers completed that call and returned to the BTPD when they received a call from "Brian" at 1433 State Route 7 about the male subject on his property with the stolen truck. Ofc. [REDACTED] said officers were advised that the male subject was known to carry a "muzzle loader" due to being a "felon." There was information that the male subject was "on the run for three" days and led multiple law enforcement agencies on vehicle pursuits. Ofc. [REDACTED] said he had no prior contact with the male subject prior to this incident.

SA Moran asked Ofc. [REDACTED] if there were sides of the cabin assigned to officers to cover. Ofc. [REDACTED] said there was no discussion about assigning sides of the cabin and some officers went left and some went right and it "just worked." Ofc. [REDACTED] said the officers were trying to be quiet so as not to alert the subject. Ofc. [REDACTED] said the male subject did not know the officers were outside the cabin when Ofc. [REDACTED] and Deputy [REDACTED] initially saw him inside the cabin. The male subject was alerted to the presence of the officers by the sound of the stick or branch breaking on the east/northeast of the cabin.

SA Moran asked Ofc. [REDACTED] about what the subject was doing when he initially entered the truck and officers were giving him verbal commands. Ofc. [REDACTED] said the male subject was ignoring "everything" and he was not looking at Ofc. [REDACTED] nor Deputy [REDACTED]. Ofc. [REDACTED] stated (35:56), "His main focus was getting that truck started and giving it throttle. Um, and he just took off through the woodline and just like, went straight up through and came right out here."

SA Moran asked Ofc. [REDACTED] what his goal was when was striking the passenger side window with his rifle. Ofc. [REDACTED] said he wanted to break the window, unlock the truck, and pull the male subject out and apprehend him. Ofc. [REDACTED] said the window would not break.

SA Moran asked Ofc. [REDACTED] if he recalled anything else around the moments when the male subject started the truck and began to spin the tires. Ofc. [REDACTED] said the truck "caught traction" and he and Deputy [REDACTED] "backed off." The male subject drove through the woodline and was "heading right towards a state trooper." Ofc. [REDACTED] said the male subject was trying to get out of there "quickly" and "he did not let up off the gas."

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SA Moran asked Ofc. [REDACTED] when he noticed that there was a law enforcement officer(s) in front of the truck. Ofc. [REDACTED] said he knew that "just based on where everybody was." Ofc. [REDACTED] said when Deputy [REDACTED] initially saw the male subject through cabin window and alerted him, Ofc. [REDACTED] moved back and told Sgt. [REDACTED] about the male subject. Ofc. [REDACTED] noticed the locations of the other officers at that time near the tree-line and driveway.

SA Moran asked (38:24), "You knew they were in that area because of like, right before the event happens that's like, the last place that you saw them?" Ofc. [REDACTED] answered, "Yes." SA Moran continued, "During, while it's all going down I mean, were you, did you know that anyone was like, directly in front? Or you just knew from previous info?" Ofc. [REDACTED] responded, "I knew there was someone directly in front 'cause the truck lights were on and um, everybody had flashlights as well. I could see, yeah, I could see where he was."

SA Moran asked Ofc. [REDACTED] what he thought was going to happen to the trooper in front of the truck. Ofc. [REDACTED] replied, "I thought he was going to run him over with the blade in the truck. Hit him, hit him with the blade and run him over with the truck." SA Moran asked what that would have done to the trooper. Ofc. [REDACTED] answered, "Kill him."

SA Momchilov asked Ofc. [REDACTED] what his point of aim was. Ofc. [REDACTED] said he looked through the "back window right at the back of his head" and that was where he was aiming. SA Moran asked Ofc. [REDACTED] about the moments when he decided to fire. Ofc. [REDACTED] stated, "I'd say as soon as he ran over the tree and um, I saw there, there was no care of what he was going towards or at or who, I made my decision to fire my weapon."

SA Moran asked Ofc. [REDACTED] if he experienced an "perceptual phenomena" during the event. Ofc. [REDACTED] said he was not sure, but it felts like "everything happened really quickly." He added, "Like it was a matter of seconds. Um, that's, that's, I mean, it just felt like everything was just one after another right, during that whole thing."

SA Moran asked Ofc. [REDACTED] if he knew who was the first officer that fired. Ofc. [REDACTED] said he did not know who was the first officer that fired. During the incident, Ofc. [REDACTED] was aware that Deputy [REDACTED] fired because he was next to him. He did not know about any other officers that fired until after the incident when Trooper Brown asked who fired.



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SA Moran asked Ofc. [REDACTED] if the officers spoke about the incident “at length” afterwards. Ofc. [REDACTED] responded, “No.” He said the officers were checking on each other. SA Moran asked Ofc. [REDACTED] about his phone call to Chief Lutt and if his BWC was still recording. Ofc. [REDACTED] said he did not turn off his BWC until he was told to by Chief Lutt. SA Moran asked Ofc. [REDACTED] if BCI agents could view the portion of his BWC video when he made the phone call to Chief Lutt. Ofc. [REDACTED] granted permission for BCI agents to view that portion of his BWC video. He said he provided basic details to Chief Lutt and that he needed to respond the scene. Chief Lutt said he was going to contact BCI. Chief Lutt called him back a short time later and checked on Ofc. [REDACTED] and Ofc. [REDACTED].

SA Moran asked Ofc. [REDACTED] if he believed his actions were consistent with his training and experience. He replied, “Yes.” SA Momchilov asked Ofc. [REDACTED] if his flashlight on his rifle was activated. Ofc. [REDACTED] said he did not have a flashlight on his rifle. He said there were multiple officers with flashlights activated during the incident.

The first part of the interview ended at 1252 hours. Ofc. [REDACTED] requested to view his BWC video. SA Moran used Axon Investigate to allow Ofc. [REDACTED] and his attorney to view the video.

The second part of the interview began at 1309 hours, with the same parties in the room. SA Moran asked Ofc. [REDACTED] if the video clarified or confirmed anything that he remembered during the incident. Ofc. [REDACTED] said he remembered clearing the cabin after the incident.

The second part of the interview ended at 1310 hours.

Reference Item:

The video recorded interviews (portion 1 and portion 2) were copied to a DVD+R and were submitted to the BCI Special Investigations Unit (SIU) case file as Reference Item K.

Attachments:

1. BCI Criminal Investigation Notification Form - VTPD Ofc. [REDACTED]
2. Overhead Scan Map Used by VTPD Ofc. [REDACTED] During Interview
3. 2023-04-05 - Audio - Interview of VTPD Ofc. [REDACTED] 1 - 803_0759
4. 2023-04-05 - Audio - Interview of VTPD Ofc. [REDACTED] 2 - 803_0760

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DAVE YOST
OHIO ATTORNEY GENERAL



Bureau of Criminal Investigation
Office (330) 659-4600
Fax (330) 659-0681

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).

[REDACTED]

Printed Name of Interviewee

7/5/2023 1202
Date / Time

[REDACTED]

Signature of Interviewee

SA Charles Moran #LJ
BCI Agent (Printed)

SA Cllm -
BCI Agent (Signature)



Z
03/21/2023
2023-0795
BCI for TCSO
OIC
1433 SR 7, Brookfield, Ohio
SA Dan Boerner #135
To Scale

1 - FC 223 REM
2 - FC 223 REM
3 - FC 223 REM
4 - FC 223 REM
5 - FC 223 REM
6 - FC 223 REM
7 - Hornady 5.56
8 - Hornady 5.56
9 - Hornady 5.56
10 - Hornady 223 REM
11 - Hornady 223 REM
12 - Hornady 223 REM
20 - Projectile

