



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



2022-0535
Officer Involved Critical Incident – I-71 N. Mile Marker 123, Lewis
Center, Ohio (L)

Investigative Activity: Interview with Officer
Involves: Officer Joseph Valiski (S)
Date of Activity: 03/30/2022
Activity Location: Attorney's Office – 3360 Tremont Rd., Columbus, OH 43221,
Franklin County
Author: SA Todd Fortner, #93

Narrative:

On March 30, 2022, at approximately 1257 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent Todd Fortner (SA Fortner) interviewed Columbus Division of Police (CPD) Officer Joseph Valiski (Officer Valiski) in response to an Officer Involved Critical Incident (OICI) that occurred March 11, 2022, between Jonathon Myers (Myers) and law enforcement. The purpose of the interview was to obtain all relevant information of the incident known or observed by this individual. Also present for the interview was Officer Valiski's FOP union attorney, Jaclyn Tipton.

This interview was audio recorded, and a copy of the recording was saved electronically within the case file. Please refer to the recording for specific quotes. The following is a summation of the interview.

Prior to beginning the interview, SA Fortner provided Officer Valiski with a BCI "Criminal Investigation Notification" form. SA Fortner advised BCI was conducting a criminal investigation separate from any internal investigation that CPD may be conducting. Officer Valiski was told his interview was voluntary and that he could stop answering questions at any time. Officer Valiski verbally confirmed he understood the contents of the form and signed the document further acknowledging his understanding. A copy of the signed Criminal Investigation Notification (CIN) is attached to this report.

Attorney Jaclyn Tipton had previously provided SA Fortner with a written statement from Officer Valiski regarding the OICI. Agent Fortner reviewed the statement upon receipt. Furthermore, SA Fortner provided a printed scene sketch of the OICI scene to reference throughout the interview. Officer Valiski signed his statement provided to BCI, and he verified the statement was a true and accurate depiction of the OICI incident. Please refer to Officer Valiski's statement for further details. A copy of the signed written statement and the sketch was saved within the

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case file and is attached to this report.

SA Fortner asked Officer Valiski a few follow up questions and had him confirm where he was at when shots were fired based on the printed scene sketch. Officer Valiski's answers appeared to be consistent with his written statement.

Officer Valiski advised he was in a marked cruiser on patrol on March 11, 2022, when the dispatcher reported a male black with dreds, in dark clothing was on I-71 in the area of Gemini Place and was shooting a gun at vehicles. Upon arrival Officer Valiski advised he saw a car in the median, a female subject and a male that matched the description he had been given. Officer Valiski advised he was still in his cruiser, had the male subject at gunpoint and was giving him commands to get on the ground. It appeared the subject was talking but Officer Valiski could not hear what he was saying. He said the subject did not comply with any commands given. He stated the subject had his right hand in his waistband.

Officer Valiski said the subject started to walk northbound in the roadway. The subject then began running northbound and Officer Valiski followed him in his cruiser. He stated the subject then turned, produced a handgun, pointed at him and fired multiple shots, striking the driver's side hood of the cruiser. Officer Valiski said he returned fire through the windshield. He said he could see the subject continue to run and again point his weapon at officers. Officer Valiski fired more shots and then reloaded his handgun. He said the subject again pointed his gun at officers and then fell to the ground.

Officer Valiski advised officers approached and handcuffed the subject. He said he called for the medics and other officers began providing aid to the subject. Officer Valiski then waited for peer support as there were numerous officers securing the scene.

The interview was concluded at 1316 hours.

Attachments:

- Attachment # 01: Officer Valiski CIN
- Attachment # 02: Officer Valiski Statement
- Attachment # 03: Officer Joseph Valiski Interview
- Attachment # 04: Officer Valiski Diagram



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).

JOSEPH VALISKI

Printed Name of Interviewee

3/30/22 12:58pm

Date / Time

[Signature]

Signature of Interviewee

[Signature] Jael Tipton -
for attorney

SA Todd Fortner

BCI Agent (Printed)

[Signature]

BCI Agent (Signature)

STATEMENT OF JOSEPH VALISKI, BADGE NO. 2406

This statement regards my involvement in an incident that occurred on Friday, March 11, 2022, between approximately 9:56 a.m. - 10:10 a.m., on interstate 71 North, approximately one-half mile north of Powell Road, in Delaware County, Ohio. I am voluntarily providing this statement as part of the investigation being conducted by the Bureau of Criminal Investigation (BCI).

I was hired by the Columbus Division of Police (CPD or the Division) in December 2005. I obtained my Ohio Peace Officer Training Academy (OPOTA) certification May 2006. I do not have any other law enforcement experience before joining CPD. I do not have any military experience. I have never had a use of force that has been determined to be outside of policy.

My regular assignment is 18A10. My regular duty hours are 6:00 a.m. to 2:00 p.m. My regular days off are Wednesday and Thursday. At the time of this incident, I was wearing the CPD patrol uniform which consists of dark blue pants and a dark blue shirt with dark blue police jacket over it that had police patches on both shoulders and "Columbus Police" across the back. My body worn camera (BWC) was mounted to the side of my jacket. My BWC was activated during this incident. I was also wearing an internal ballistic vest. I was carrying my Division-issued Smith and Wesson 2.0 9mm pistol loaded with Division-issued ammunition. I carry that weapon with a full magazine (17 rounds) plus an additional round in the chamber. I am current on my qualifications with this weapon. I was not carrying any backup firearm.

I do not wear eyeglasses or contacts and my vision is good. I do not wear hearing aids and my hearing is good. I do not suffer from any disabilities. I had not taken any medication, over the counter or prescription, that would impair my abilities as a police officer. I did not

consume any alcohol in the twenty-four (24) hours prior to this incident. I did not work any special duty in the twenty-four (24) hours prior to this incident and I arrived at the start of my shift well rested.

On March 11, 2022, I was assigned to Cruiser R-181. I was not working with a partner. I was in the parking lot of the Red Lobster restaurant near SR 161 shortly before 10:00 a.m. I knew CPD Officer Rippey was taking a report at that location and I had gone to see if he needed any assistance. At approximately 9:56 a.m. I heard dispatch air that there was a male in the middle of Interstate 71, north of Gemini Road firing a weapon at vehicles.

I drove Karl Road to westbound SR 161 to Interstate 71 north. Officer Rippey also responded and was directly behind me in his cruiser. As I was driving, I heard dispatch updating the description of the suspect, stating that he was a male black in a black hoodie and pants with dreads. The reports of the location of the suspect varied from around the Gemini Road exit to as far north and the Interstate 71 rest stop. Shortly after I passed Powell Road, I could see southbound lanes of traffic were moving incredibly slow. Approximately a half mile or slightly more north of Powell Road I saw a gray, four door sedan in the median of the highway next to the cable/metal fence that separated north and southbound lanes of traffic. I could see that the car had body damage, but was not sure if the damage had recently occurred or was from a previous accident. Outside of the car was a man matching the description of the suspect and a black female. It took me approximately 4-6 minutes from the time I heard the initial dispatch until the time I reached the suspect's location.

I parked my cruiser in the middle northbound lane of Interstate 71 North. I drew my service weapon as I opened my door. It appeared that the male and female were arguing. I was unable to hear anything being said between them due to the noise on the interstate. I used my

cruiser door for cover as I stood in my door jam and pointed my weapon at the suspect. I yelled commands to the effect of “Get down!” or “Get on the ground!” at the suspect multiple times. The suspect did not comply. I noticed that the suspect had his right hand concealed in his pants.

I kept my weapon pointed at the suspect and yelled commands to the effect of “get back” to the female, so that she could be removed from the situation. I could see that she was saying something, but I was unable to hear what she was saying. It appeared she may have been on a cell phone. I continued to yell commands to the effect of “Get back”. The female did not move.

The suspect began walking northbound in the left berm of the northbound lanes. He still had his right hand concealed in his pants. Based on my training and experience, I believed that he was holding a gun there. I was concerned that the suspect was either going to jump the metal/cable fence and go into the southbound lanes of traffic, which were still filled with civilian vehicles or run far enough north to go around the concrete sound barrier on the right (east) side of the interstate and run into the residential area. I followed 20-40 feet behind the suspect in my cruiser. I kept the suspect at gunpoint with my right hand and drove with my left hand. My driver’s side door was open. Officer Rippey was on the passenger side of my cruiser, walking toward the suspect. Another CPD Officer was on the driver’s side of my cruiser, walking behind my open cruiser door. I was aware other officers were behind my cruiser, but did not know specifically who any of them were.

The suspect pulled his hoodie up over his head, pulled up his pants, and began to walk/jog at a quicker pace. The suspect looked over his shoulder at me. I could see his left hand but his right hand was still concealed. Suddenly, the suspect turned toward me and fired at least one round from a small, black, handgun at my cruiser. I immediately returned fire, firing approximately 10-12 shots through the windshield of my cruiser. The suspect began running

north/northeast across the northbound lanes of traffic. I began driving slightly faster in order to keep pace with the suspect. At that point, all other officers were behind me. I could see the suspect still had the gun in his hand as he was running.

Approximately 10 seconds after the initial volley of gunfire, the suspect turned back toward me, exactly as he had done seconds earlier when he fired at me. I fired the balance of my magazine through the windshield of my cruiser at the suspect. The suspect continued to run north/northeast to the right (east) berm of the interstate. The suspect put his hands in the air, facing north, for approximately 1-2 seconds, but kept the gun in his right hand. The suspect then brought his hands back down, faced south (toward me) and started to raise his gun in my direction again.

I heard a gunshot from behind me and saw the suspect fall to the ground. I reloaded my magazine from my belt and parked my cruiser. I kept my weapon pointed at the suspect as I approached the suspect on foot with Officer Rippey, Officer Komisarek, and other officers. I ordered the suspect not to move. The suspect remained on the ground. I yelled words to the effect of "Let me see your hands." I could see the suspect's right hand, but not his left hand. I ordered him to show his other hand. The suspect complied. I could see the suspect's gun approximately 5 feet north of where he was laying.

It appeared that the suspect had been shot in the leg/hip area. I radioed for a medic while Officer Rippey and another officer began providing aid. An Ohio State Highway Patrol trooper arrived on scene and asked if anyone had a medic bag. I retrieved one from my cruiser so that further aid could be provided. CPD Lt. Kuykendoll asked via radio if an officer involved shooting had occurred. I affirmed that it had. Sgt. Ferencz arrived as the supervisor on scene. I

informed him that I had fired my weapon. I then left the scene and with Columbus Police Officer Support Team Member Kracht.

I went to the Fraternal Order of Police Lodge and waited to be escorted by CPD Chain of Command to a local hospital to conduct a urine sample and an alcohol breath test. Upon completion I was escorted back to Fraternal Order of Police Lodge until agents with BCI arrived to take my firearm and photographs. This ended my involvement in this incident.

I believe that I fired a total of 18 rounds at the suspect. I believe I fired 10-12 rounds in the initial volley of gunfire and then fired the balance of my magazine approximately 10-15 seconds later. I believe my initial shots were fired in rapid succession. I believe that my second volley of shots were fired 1-3 seconds apart. I believe that I was approximately 20-30 feet from the suspect at all times when I fired my weapon. I believe my cruiser was traveling at approximately 5 miles per hour or less at all times I fired my weapon. I believe I fired with a one-handed grip with my right hand on my weapon, from a seated position in my cruiser. The direction of my shot was north to northeast. It was a sunny day and visibility was good. My target was the suspect's center mass. My backdrop was the empty northbound lanes of Interstate 71. I had cover or concealment from my cruiser at the times I fired my weapon. I stopped firing because the suspect fell to the ground and did not appear to be actively shooting.

I did have a taser on my belt. However, I did not believe it would be appropriate for me to use a taser in this situation. I was too far away from the suspect, I was in my cruiser, and the suspect had already fired at me.

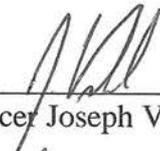
At the time I fired my weapon, I was in fear for my life and the lives of the officers around me as well as civilians in the southbound lanes on Interstate 71. The suspect had already fired his weapon at me and I believed he was trying to kill myself and/or other officers. I do not

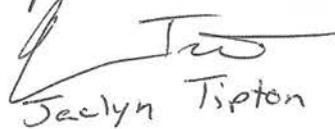
believe I had any other reasonable alternative to protect my life or the lives of other officers and civilians in the area at the time I fired my weapon.

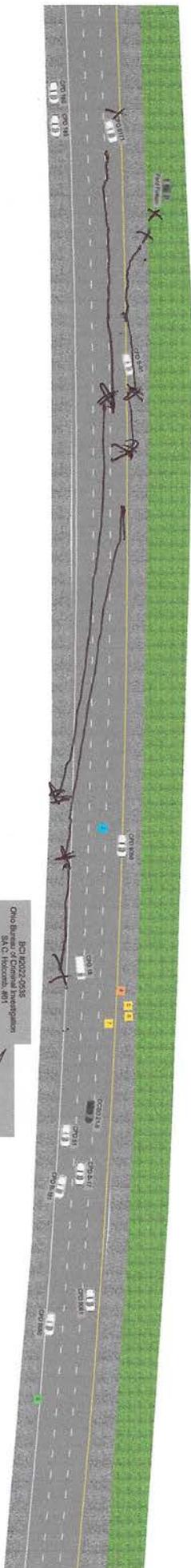
I have now had an opportunity to watch the Body Worn Camera video and cruiser video footage of this incident. After reviewing the BWC and cruiser footage, it appears that I fired 16 shots in the initial volley of gunfire after the suspect first fired his weapon at me. It appears I fired two additional shots approximately ten seconds later. I initially believed my final two shots were fired prior to the suspect reaching the right (east) berm of the interstate. It appears my final two rounds were fired after the suspect turned back toward me with his gun while standing on the east berm of the interstate.

I know now that the suspects name is Jonathan Myers. I do not believe I have ever had any prior encounters, personal or professional, with this individual.

This concludes my statement. I am prepared to answer any follow-up questions you may have at this time.

 #2406

Officer Joseph Valiski, Badge #2406

Jaelyn Tipton



IBCI 160222-0536
 Ohio Bureau of Criminal Investigations
 3700 Rockwood Rd.
 Columbus, OH 43260
 March 11, 2022

"Not to Scale"
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 2nd fl. 220 Siding
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 2nd fl. 220 Siding

J. W. # 2406