



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



2022-2918

Officer Involved Critical Incident - 500 West Hopocan, Barberton, OH 44203

Investigative Activity: Involved Officer Interview
Involves: Barberton Police Officer [REDACTED] (S)
Activity Date: 1/5/2023
Activity Location: BCI – Richfield, 4055 Highlander Parkway, Ohio 44286
Authoring Agent: SA Nicholas Valente

Narrative:

On January 5, 2023, at approximately 1349 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente and SA Matt Armstrong interviewed Barberton Police Department (BPD) Officer [REDACTED] ([REDACTED]). Officer [REDACTED] was accompanied by Ohio Patrolman's Benevolent Association Attorney Brian Holb. The interview took place in a conference room at BCI - Richfield, 4055 Highlander Parkway, Richfield, Ohio. The interview was audio and video recorded. The audio recording has been attached to this report. The video recording has been stored in the BCI Special Investigations Unit case file as Reference Item F.

Prior to beginning the interview, Officer [REDACTED] read, understood and signed the BCI Criminal Investigation Notification Form. That form is attached to this report.

Officer [REDACTED] was identified as a BPD officer who was involved in the December 26, 2022, officer-involved shooting and subsequent death of Zachary Zoran (Zoran), which occurred in Barberton, Ohio.

This report only summarizes the information deemed by the author to be of the most relevance to this investigation and does not purport to contain all of the 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 obtained during the interview.

Preliminary and Demographic Information:

Name: [REDACTED]	Rank: Patrolman
Badge Number: [REDACTED]	Cruiser/Vehicle Number: [REDACTED]
Radio Call Sign: [REDACTED]	Immediate Supervisor: Sergeant Jeff Donley
Radio Channel Utilized: Police	Mobile Data Terminal: Yes
Cruiser Description: Black and white patrol vehicle with purple lettering, marked "#17" on front and back, light bar, siren, mobile data terminal and public announcement speaker system.	Occupants of Cruiser and Seating Positions: Solo

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 except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2022-2918

Officer Involved Critical Incident - 500 West Hopocan, Barberton, OH
 44203

Assignment: West and south regions of city	Normal Shift: 0600 -1400 Hours
In-Car Camera: No	Spotlight: Present
Emergency Lights: Yes	Siren: Yes
Shift Day of Incident: 0600-1400 Hours	Duty Status: On Duty
Days Off: Thursday and Friday subsequent to the incident	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: 9 to 10 Hours	Consider Self Well Rested?: Yes
Total Length as Officer: 24 Years (Plus prior service as a Special Deputy and Corrections Officer).	Length at Current Agency: 24 Years
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No
Uniform Worn: Standard Barberton police officer uniform with Barberton Police patches on both sides (shoulders), navy blue pants and shirt, with badge and vest, duty belt and taser, radio.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Taser
Ballistic Vest: Yes (Interior Style)	Body Worn Camera: Yes
Other Recording Devices: No	Partner: N/A
Injuries: None	Equipment Damage: Reported taser malfunction
Training or Areas of Specialty: Crisis Intervention Training (C.I.T.), Special Weapons and Tactics (SWAT), Alcohol Detection and Apprehension (A.D.A.P.), Crash Investigations.	OPOTC Certification: Yes
Military Experience/Training: No	Use-of-Force Training: Taser training with the last 6 weeks.
Prior Shooting Incidents: No	Prior Discipline or Use-of-Force Complaints: No
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? Consumed "a	Last Consumed Alcohol Prior to Incident:

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 except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2022-2918

Officer Involved Critical Incident - 500 West Hopocan, Barberton, OH
 44203

couple of glasses of wine” previous night (Christmas).	Consumed “a couple beers last night.”
--	---------------------------------------

Officer’s Firearm(s):

Weapon #1

Make: Smith and Wesson	Model: M&P 45
Caliber/Gauge: 45 Caliber	Serial: Unknown to [REDACTED]
Type: Pistol	Method of Carry: Right side on duty belt
Magazine Capacity: 10 (+1)	Total Rounds as Carried (including chamber): 11
Extra Magazines: 2	Number of Rounds in Extra Magazines: 20
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 30	Number of Rounds Fired: One
Right/Left-Handed Carry: Right handed	Ownership: Personally owned by [REDACTED]
Last Qualification Date: Specific date was unknown to [REDACTED]	Type of Holster, if any: Level 3 retention with thumb release and guard over the top.

Narrative:

After obtaining the above noted preliminary and demographic information, Officer [REDACTED] provided the following information related to the December 26, 2022, shooting in Barberton, Ohio:

Officer [REDACTED] stated, at the 12:18 mark of the interview, he and Officer [REDACTED] “got a call of a suspicious person that confronted a woman in the parking lot of the YMCA.” Officer [REDACTED] utilized an overhead image provided by investigators and displayed on a television set behind him to show investigators the direction from which he approached the scene. Officer [REDACTED] stated he arrived from the direction of West Lake Avenue and 3rd Street NW.



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



2022-2918

Officer Involved Critical Incident - 500 West Hopocan, Barberton, OH
44203



Officer ██████ Interview Image 1

Officer ██████ upon exiting his patrol vehicle, observed the subject, Zachary Zoran, and Officer ██████ standing near a trash dumpster along the northwest corner of the building (identified by investigators as the Sitting Pretty Hair & Nail Beauty Boutique, 208 2nd Street Northwest, Barberton, Ohio). As Officer ██████ exited his patrol vehicle, he heard Officer ██████ tell Zoran, at the 13:13 mark of the interview, “drop the knife.”

As Officer ██████ exited his vehicle, Zoran began walking eastbound through the parking lot. At the 13:38 mark of the interview, Officer ██████ stated, “Patrolmen ██████ said ‘Put it down’, I believe I said a couple times maybe, ‘Put the weapon down as well.’” Officer ██████ then described taking his Taser out near where he entered the parking lot, noting Officer ██████ had his service weapon out at the time.

Zoran, upon reaching the end of the parking lot, reversed course and began to walk towards the officers. Officer ██████ stated, at the 14:38 mark of the video, “I attempted to discharge my taser. My taser, I tried twice, my taser, it was malfunctioning.” Officer ██████ then put his taser in his left side pant pocket and “pulled out my service revolver.” Note: Officer ██████ misspoke while referring to his Smith and Wesson M&P pistol as a revolver.

Officer ██████ stated BPD officers gave Zoran “several more commands ‘drop the knife’” as they walked in the parking lot. Officer ██████ demonstrated for investigators with his right hand and arm out in front of him (as captured below/15:07 mark of video) Zoran’s actions. Officer ██████ stated, at the 15:08 mark of the video, “He came towards me with the knife in his right hand and I fired one time.”

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 except as provided by law - a statute, an administrative rule, or any rule of procedure.

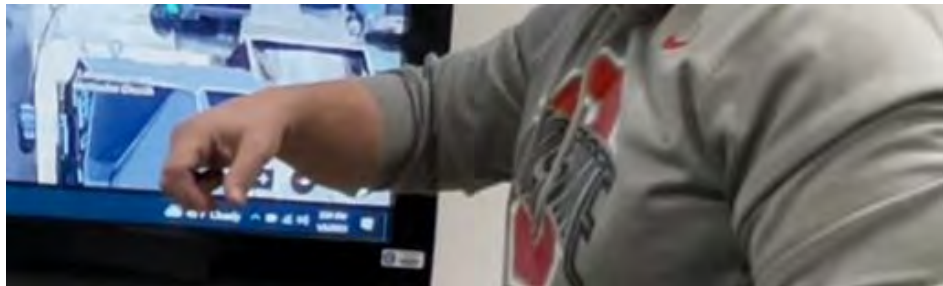


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2022-2918

Officer Involved Critical Incident - 500 West Hopocan, Barberton, OH
44203



Officer ██████ Interview Image 2

Officer ██████ stated, at the 15:14 mark of the video, he observed Zoran as “he proceeded to drop.” Officer ██████ provided cover as Officer ██████ attempted to handcuff Zoran. Sergeant Donley then arrived and began to assist the officers.

Officer ██████ stated, at the 15:28 mark of the video, “We kicked the knife,” and pointed to the area on the screen where the knife was kicked. Officer ██████ stated “Then we attempted to find where the wound was.” Officer ██████ touched his left abdomen in an effort to show investigators where the entry wound on Zoran was located, as he described looking for the wound. Officer ██████ continued, at the 15:44 mark of the video, that he believed “it exited out his right kidney area, somewhere around there.”

Officer ██████ stated officers then handcuffed Zoran and cut off his bookbag as paramedics arrived.

When asked, Officer ██████ stated the weather at the time was cold and the ground was snow and ice covered. However, he did not believe these conditions had any impact on his or Zoran’s movements through the parking lot.

When asked, at the 17:00 mark of the video, Officer ██████ stated that at the time he fired his weapon, he believed he was “between 10 and 15 feet” from Zoran who was facing him and “looking right at me.”

When asked, at the 17:58 mark of the video, Officer ██████ stated he became aware that Zoran had a knife in his possession and “definitely saw the knife, um when we were about in the middle of the parking lot.”

When asked, Officer ██████ estimated the time from when he first noticed the knife to having fired his weapon to be between one minute and one and a half minutes.

When asked, at the 18:57 mark of the video, Officer ██████ recalled Zoran saying to him and Officer ██████ “to get back into our cruisers and leave.”

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 except as provided by law - a statute, an administrative rule, or any rule of procedure.



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



2022-2918

Officer Involved Critical Incident - 500 West Hopocan, Barberton, OH
44203

When asked, at the 19:23 mark of the video, if he recalled the commands he gave to Zoran, Officer ██████ stated he told Zoran “drop the knife, get on your knees.” Officer ██████ then stated that Officer ██████ primarily gave Zoran commands, and he provided limited verbal commands because he has found through his experience when multiple officers provide commands, it becomes more distracting than helpful.

When asked if he perceived any other options than the use of deadly force at the time he fired his weapon, Officer ██████ stated, at the 20:10 mark of the video, “There were no other option in my mind.”

When asked what he thought would have likely happened had he not used deadly force, Officer ██████ stated, at the 20:22 mark of the video, “Um, that I would have been stabbed.”

When asked, Officer ██████ stated he did fear for his safety and the safety of Officer ██████. Officer ██████ felt his actions and the actions of Officer ██████ were consistent with his training.

When asked about specific training pertaining to persons with edged weapons, Officer ██████ stated, at the 24:59 mark of the video, he was aware that a person armed with a knife “within, can’t remember exactly, but, it, you know, they can cover a great deal of distance in a short span with, and he, like I said he was within 10 to 15 feet of me when this happened.”

Officer ██████ stated he had not watched his body-worn camera video recording of the incident prior to the interview. When given the opportunity to do so at the end of the interview, Officer ██████ declined.

Reference Items:

F: USB Thumbdrive – Video: Officer Interviews

Attachments:

2023-01-05: ██████ Criminal Investigation Notification

2023-01-05: Interview - Officer ██████

Officer ██████ Interview Image 1

Officer ██████ Interview Image 1 Uncropped

Officer ██████ Interview Image 2

Officer ██████ Interview Image 2 Uncropped



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 Name]

Printed Name of Interviewee

11/5/2023 1:46 PM

Date / Time

[Redacted Signature]

Signature of Interviewee

NICK VALENTE

BCI Agent (Printed)

Nick Valente

BCI Agent (Signature)







