



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



2021-1431

Officer Involved Critical Incident - Unknown, Kevin Richard Giesel (S)

Investigative Activity: Interview with Officer
 Involves: Ptl. [REDACTED]
 Activity Date: 6/24/2021
 Activity Location: Faulkner, Hoffman & Phillips, LLC – 20445 Emerald Pkwy #210
 Cleveland, OH 44135
 Authoring Agent: SA Jon Lieber #50

Narrative:

On Thursday, June 24, 2021, at 1030 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber (Lieber) and SA Cory Momchilov (Momchilov) interviewed Cuyahoga Heights Police Department (CHPD) Patrolman (Ptl.) [REDACTED] ([REDACTED]), who was accompanied by his attorney, Joseph Mando, from the Fraternal Order of Police. The interview took place at Faulkner, Hoffman & Phillips, LLC – 20445 Emerald Pkwy #210, Cleveland, OH 44135. The interview was audio recorded.

Ptl. [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. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

Preliminary and Demographic Information:

Name: [REDACTED]	Rank: Patrolman (Ptl.)
Badge Number: [REDACTED]	Cruiser/Vehicle Number: N/A
Radio Call Sign: [REDACTED]	Immediate Supervisor: Lt. Mike Dulin
Radio Channel Utilized: 15	Mobile Data Terminal: Not Present
Cruiser Description: N/A	Occupants of Cruiser and Seating Positions: N/A
Assignment: Operator/Pepperball	Normal Shift: On his day off
In-Car Camera: Not Present	Spotlight: Not Present
Emergency Lights: Not Present	Siren: Not Present
Shift Day of Incident: 1930-0430	Duty Status: On-Duty Call-In

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Days Off: Sat.-Sun.	Prior Overtime or Extra Details within Preceding 48 Hours: 4-5 hour SWAT call out on the Saturday (6-12-2021) before the incident in Parma.
Hours of Sleep Prior to Incident: 7	Consider Self Well Rested?: Yes
Total Length as Officer: Since Jan. 2013	Length at Current Agency: Since Jan. 2013
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Blue color uniform, external body armor with Police patch on front, Southwest Enforcement Bureau (SEB) patch on one shoulder, American flag patch on opposite shoulder, helmet with SEB logo	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Flashbang, pepperball gun, duty pistol, 3 magazines, two 40mm less lethal munitions, radio
Ballistic Vest: Tactical Armor	Body Worn Camera: Not Present
Other Recording Devices: None	Partner: None
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Defensive Tactics, Pepperball instructor, Basic SWAT	OPOTC Certification: Basic Academy at Cuyahoga Community College
Military Experience/Training: None	Use-of-Force Training: Academy and in-service training
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: None
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: No	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: No
Alcohol in Past 24 Hours? No	Last Consumed Alcohol Prior to Incident: Thursday prior to incident (6-10-2021)

Officer's Firearm(s):

Make: Heckler & Koch (H&K)	Model: USP 45
Caliber/Gauge: .45 caliber	Serial: Unknown
Type: Semi-Auto Handgun	Method of Carry: Hip holster
Magazine Capacity: 12 + 1 = 13	Total Rounds as Carried (including chamber): 13 rounds in pistol -- Total rounds on person 13+12+12+12=49
Extra Magazines: 3 extra mags loaded to 12	Number of Rounds in Extra Magazines: 12

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each (36 total) plus one magazine in the pistol (13 rounds)	
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 48 total	Number of Rounds Fired: 1
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: Jan./Feb. 2021	Type of Holster, if any: Hip holster

Narrative:

Note that during the interview, references were made to ██████████ being at the Ohio Tactical Officer Association (OTOA) conference to the weekend following the conference. Agents and ██████████ incorrectly referenced the first week of June as the week of the conference when the conference was actually held June 7-10, 2021. Note that the incident on South Park Boulevard began on Sunday, June 13, 2021, and ended on Monday, June 14, 2021.

██████████ stated that the Southwest Enforcement Bureau (SEB) is made up of three total teams: East, West and Central. ██████████ is part of the East Team.

██████████ stated that on Sunday afternoon (June 13, 2021), he began to receive text messages informing him that something was going on in Parma. At around 1930 hours, ██████████ got called out by SEB using a 911 app on his phone. ██████████ responded to the staging area, which was a park located at Snow Road and South Park Boulevard. ██████████ estimated that he arrived at the park around 1950 hours.

██████████ learned that the subject, Kevin Giesel (Giesel), was a Vietnam veteran and had previously had his girlfriend with him. The girlfriend felt that she was kidnapped or was held against her will. ██████████ learned that there was a struggle at a gas station in Parma which was witnessed by an off-duty police officer as well as a civilian. When the off-duty officer tried to intervene, Giesel fired a shot either at the off-duty officer or up into the air. The female was able to get away and Giesel got into his vehicle and left. A Parma police officer located Giesel driving his vehicle and tried to pull him over. Giesel did not stop and drove to his house on South Park Boulevard and went inside.

██████████ stated that he was also informed that Parma patrol officers then surrounded the house and tried to get Giesel to come out. At one point, Giesel told the patrol officers that he wanted someone to come get his dog and that once he took a shower he would come out. After some time, a female showed up to get the dog. The female told police that she is not sure why Giesel called her as she has not talked to Giesel in years.

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Giesel's girlfriend told police that Giesel had some drug issues, and Giesel had said to her that if he is ever in a situation like this with police that he would fight.

██████████ was transported in a van to the area of the residence on South Park Boulevard. ██████████ stated that he and other SWAT operators replaced officers that were already on scene. ██████████ was positioned around a Bear (BearCat is a type of armored vehicle) with other officers. Other officers used a loudspeaker to try to communicate with Giesel. ██████████ heard them ask Giesel to come to the door, pick up the phone, talk to us and they told him that they wanted to help. ██████████ stated that this was being said using the loudspeaker over and over again.

As it began to get dark and no communication was established with Giesel, SWAT Command made the decision to use the Bear with an extended arm to pull the front windows off of the house and to open the front door. This would allow officers to see inside of the residence as well as make it easier to put CS gas or irritants into the house. ██████████ stated they knew the layout of the house and officers could see a light on in a rear room which they believed was the master bedroom. Officers shot 40mm gas rounds into that room in an attempt force Giesel to the front of the house. They also put a fan system that would blow irritant gas into the house in the kitchen window. ██████████ stated, that at this point, they did not know where Giesel was within the residence nor did they know if he had a gas mask.

As time passed, more announcements were made for Giesel to come to the door or pick up the phone. No response was received. ██████████ said that the West Team was being called out so they could relieve the operators currently on scene. This would allow officers to start a rotation and take breaks. A robot was deployed into the residence through the front door. The robot was able to see Giesel lying on the kitchen floor wearing boxer shorts and he appeared to be unconscious. The robot operator then used a speaker on the robot to talk to Giesel. Giesel then began to move his feet and hands.

The plan was made for ██████████ to be the less lethal operator and to use the pepperball gun. Another officer would be assigned to go hands-on to arrest Giesel and a third officer would be the lethal cover. This was so that if Giesel came out of the house, officers had a plan to take Giesel into custody. ██████████ said that Giesel was told over the loudspeaker that they wanted to help him and that they had a warrant for his arrest.

██████████ stated that the robot operator was giving updates on Giesel's movements. Giesel got up and began to walk to the front door. When he got to the door, he said, "Fuck you, leave." Officers told Giesel that they did not want to hurt him and to come out. Giesel again replied with fuck you and that he is not coming out. ██████████ said that he was positioned at the Bear, which was parked in front of the residence in the sidewalk area. ██████████ was given the order

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to shoot pepperballs into the kitchen area to try to prevent Giesel from going back into the kitchen. [REDACTED] then shot approximately 20 pepperballs into the kitchen area. [REDACTED] then walked to the rear of the Bear and shot more pepperballs into the living room area of the house, as well as on the back wall of a hallway that [REDACTED] believed led to a couple bedrooms and a bathroom. Giesel began to walk down the hallway toward the back rooms. [REDACTED] then shot approximately 8 to 12 pepperballs at Giesel, striking him in the back. Giesel continued into a back room and closed the door.

The robot was driven up to the door of the room that Giesel walked into. [REDACTED] said the officers then heard a gunshot. A short time later, officers heard another gunshot. SWAT officers positioned at the rear of the house shot one or two rounds of 40mm CS gas into the back bedroom. Officers could then hear Giesel coughing through the microphone located on the robot. They could also hear Giesel say that he's not coming out. [REDACTED] said that he was told that Giesel then opened the door and had a shotgun in his hand. The robot operator used the speaker on the robot and said, "Kevin, put the shotgun down," several times. Giesel replies, "Fuck you." Officers then heard the sound of a shotgun blast. Giesel then shot the robot causing the robot to become disabled. The robot was no longer able to show video or audio after having been shot.

Officers continued to tell Giesel to come out using the loudspeaker. Giesel then fired rounds into the hallway thereby disabling the light. [REDACTED] stated, that at this time he transitioned to his pistol and put the pepperball gun down. [REDACTED] was positioned at the rear of the BearCat. [REDACTED] ([REDACTED] from Middleburg Heights Police Department is also positioned at the rear of the BearCat. [REDACTED] was armed with an AR-15 style rifle. Another officer who [REDACTED] believes to be from the West Team and whose last name starts with an "S" took a kneeling position at the rear of the BearCat. [REDACTED] ([REDACTED] from Parma Heights Police Department was lying in the BearCat with his rifle using a porthole to see the residence.

Giesel peaked his head into the hallway. He then walked into the hallway. [REDACTED] saw fire come from Giesel's right hand and he heard a gunshot. [REDACTED] then fired one round at the center-mass of Giesel's body. [REDACTED] was firing from the BearCat through the open picture window on the front, right side of the house. [REDACTED] said that there was not much cover for the officers so they quickly moved behind cover. At this time, the officers did not know what Giesel's status was. A sniper was moved into a position to try to get a better view inside of the house. The officers were asked who shot. [REDACTED] [REDACTED] and [REDACTED] stated that they fired. It was then radioed that Giesel was down. [REDACTED] [REDACTED] and [REDACTED] were moved to the command vehicle while other officers entered the residence to check on Giesel. It was then radioed that Giesel was deceased.



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██████████'s duty pistol was taken from him. After BCI Agents arrived and photographed him, he cleared the scene at approximately 0430 hours.

██████████ stated, that over the course of the incident, he also heard negotiators tell Giesel to pick up the phone or flash the lights on his house if he (Giesel) could hear them.

██████████ has been on the SWAT Team since approximately 2015. ██████████ stated that at the time of the shooting, they had several large lights on tripods that were shining light onto the residence, along with lights on the BearCat. ██████████ also stated that the weapon-mounted light on his pistol was illuminated.

██████████ stated that he believes that if officers did not fire at Giesel when they did, Giesel would have fired every round that he had at the BearCat and the nearby officers. ██████████ also stated that the neighbor next door and across the street refused to evacuate so those people were also in danger as Giesel fired. ██████████ was not sure of the total number of rounds fired by Giesel but said that it was at least 8 to 10.

The interview concluded at approximately 1119 hours.

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



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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

6/29/21 1030A
Date / Time

[Redacted] _____
Signature of Interviewee

Jon Liebe
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)