



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



2022-1356

Officer Involved Critical Incident - 1659 S. Main Street, Akron, Ohio  
 44301

Investigative Activity: Interview with Officer Nicholas Smith

Activity Date: September 28, 2022

Authoring Agent: Special Agent Cory Momchilov #64

**Narrative:**

On Wednesday, September 28, 2022, at 1521 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Chuck Moran interviewed Akron Police Department (APD) Officer Nicholas Smith (Smith), who was accompanied by his attorney, Jason Wells, from the Fraternal Order of Police. The interview took place at the law offices of Malarcik, Pierce, Munyer, & Will. Fraternal Order of Police Akron Lodge #7 President Clay Cozart was also present during the interview.

The interview was audio recorded.

Officer Smith was identified as being a police officer who had some level of involvement in the June 27, 2022, officer-involved shooting which occurred in the area of 1659 South Main Street, Akron, Ohio. Reportedly, Officer Smith did not discharge a firearm during the course of the incident and arrived on scene after the shooting. The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

On June 27, 2022, Officer Smith was the driver of marked APD cruiser, Car 14. Officer Smith was not working with a partner. Officer Smith was wearing his standard APD uniform.

SA Momchilov was advised that Officer Smith had typed a supplemental report that documented his involvement in the June 27, 2022, officer-involved shooting. Officer Smith wished to read the narrative out loud and then he would answer any follow-up questions if needed.

Officer Smith's typed narrative reads:

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**NARRATIVE**

I was working car AKE14 in the area of the Triplett pumps when I heard car AKE█ call out that they had a traffic stop that was turning into a chase and headed down Rt 8 South. I decided to head in the direction of where I believed that the car could flee to. Car AKE█ gave information over the radio that there was a gun shot from inside the vehicle. They stated that the vehicle had gone onto I 77S from Rt 8 and had gotten off at the Archwood exit. I tried to stay in the area as the vehicle continued to flee, but made sure i was never in the chase. I was on E Wilbeth Rd and Brown St when I saw the suspect vehicle make a westbound turn onto E Wilbeth Rd followed by the pursuing officers. I believed that there was a chance that the suspect would try and circle the area or double back. I headed to N. Firestone Blvd and headed westbound towards Main St. I had just gotten to Firestone Blvd and Main St when I heard that the suspect was fleeing on foot. I quickly made my way down Main St to the last known location on Wilbeth.

As I arrived on scene I got out of my cruiser to find a line of officers approaching the suspect on the ground. They placed him in handcuffs. I saw that the suspect had been shot multiple times across his body. I put on gloves and began to render aid. I applied a tourniquet to the suspect's right leg and a chest seal to his chest. The suspect had agonal breathing and a weak pulse. I helped apply pressure to the additional wounds that had no bandages. EMS approached and found no pulse. I started CPR until I was relieved by AFD. Shortly after they checked his vitals and found him to be deceased.

I remained on scene to help outline the scene as to where shell casings were found. Having worked years prior at the location where the suspect was shot at, I made contact with the Securitas Officer in Charge. I asked what full time Bridgestone security staff would be in charge. He gave me the name of Mike Desanis, who I knew from working there. I got a contact number for Mike and advised the Securitas officer to contact Mike and let him know that there was an incident and that Detectives would likely be contacting him shortly. I gave the contact information to Det. Aber on scene.

I remained on scene guarding the inner crime scene. While there I located an additional taser barb that was outside of the crime scene tape. I notified both BCI and Detectives on scene to make sure the Evidence wouldn't be missed. I remained on scene until BCI and Lieutenant Marks dismissed me.

SA Momchilov stated to Officer Smith that he had mentioned that he did not join the chase. SA Momchilov then asked if there was a reason he did not join the chase. Officer Smith explained that per Akron Police Department policy, only a certain amount of vehicles are allowed to be in a vehicle pursuit unless authorized by a supervisor.

SA Momchilov asked Officer Smith if he recalled any signals being broadcasted over the radio. Officer Smith stated he recalled a Signal 5 (Emergency Traffic Only) being called out when the "chase started."

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SA Momchilov asked Officer Smith if he saw any portion of the officer-involved shooting. Officer Smith replied, "I did not." SA Momchilov then asked Officer Smith if he heard any portion of the officer-involved shooting. Officer Smith replied, "I did not."

SA Momchilov asked Officer Smith if he had conversation with any of the involved officers. Officer Smith replied, "I did not."

Officer Smith advised that he was wearing a body-worn camera during the incident and that camera was activated. SA Momchilov asked Officer Smith if he reviewed his body-worn camera footage. Officer Smith advised that he has not.

Officer Smith advised that he did not have an opportunity to look inside the vehicle that the individual was driving.

Officer Smith was asked if he could describe what the individual was wearing. Officer Smith advised that he could not provide details of what the individual was wearing, other than a black ski mask.

At the end of the interview, Officer Smith was afforded the opportunity to view his body-worn camera footage. Officer Smith declined.



Figure 1



Figure 2

*The above images are from Officer Smith's body-worn camera footage. Based upon Officer Smith's body-worn camera footage, Officer Smith's body-worn camera is not activated until approximately 0126 hours (Figure 1). Officer Smith is then observed making contact and speaking with the Bridgestone Security Officer (Figure 2).*

**Attachments:**

The audio recording of the interview is attached to this Investigative Report.

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