



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



2023-3023

Officer Involved Critical Incident - 6235 Hathaway Rd.,
Garfield Heights, Cuyahoga County, Ohio 44125

Investigative Activity: Interview of [REDACTED]
Activity Date: 11-30-2023
Activity Location: OPBA Office - North Royalton
Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Thursday, November 30, 2023 at 1011 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy (Goudy), along with SA Cory Momchilov (Momchilov), conducted an interview with Garfield Heights Police Department (GHPD) [REDACTED] ([REDACTED]) [REDACTED]. This interview was in reference to an officer-involved shooting that occurred on Tuesday, November 14, 2023, at 6235 Hathaway Road in the City of Garfield Heights, Ohio. Along with [REDACTED] [REDACTED] was her attorney from the Ohio Patrolmen's Benevolent Association (OPBA), Dan Leffler (Leffler). The interview took place at the OPBA office in North Royalton. After advising [REDACTED] [REDACTED] of the Criminal Investigation Notification form, she agreed to sign it and to proceed with the interview.

During the course of the interview, agents utilized tactics designed to illicit truthful responses and to test the veracity of information provided. As many of the details of the investigation into the incident were publicly available, it was necessary to utilize alternative tactics (beyond the typical methodology of retaining confidential "holdout" information regarding the incident and then comparing/contrasting witness statements with information that could only be known by those with actual knowledge of the incident). These tactics include developing rapport and potentially providing information known to be erroneous. Therefore, misstatements of facts or evidence in the recorded interview by the interviewing agents are intentional and align with the strategy for the overall investigative plan.

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.

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Preliminary and Demographic Information:

Name: ██████████	Rank: ██████ (████)
Badge Number: █████	Cruiser/Vehicle Number: █████
Radio Call Sign: █████	Immediate Supervisor: █████. █████
Radio Channel Utilized: Garfield Band #1	Mobile Data Terminal: Present & Utilized
Cruiser Description: Standard Police markings along the sides of the cruiser	Occupants of Cruiser and Seating Positions: N/A
Assignment: █████	Normal Shift: 6:30 AM to 6:30 PM
In-Car Camera: Not Present	Spotlight: Present; Not utilized
Emergency Lights: Present; Not Utilized	Siren: Present; Not Used
Shift Day of Incident: 6:30 AM to 6:30 PM	Duty Status: On-Duty
Days Off: Rotating days off	Prior Overtime or Extra Details within Preceding 48 Hours: N/A
Hours of Sleep Prior to Incident: 6	Consider Self Well Rested?: Yes
Total Length as Officer: 8 years	Length at Current Agency: 5 years and 1 week
Physical Disabilities (to include hearing aid): No	Corrective Lenses: Contact Lenses
Uniform Worn: Full duty gear with blue pants and shirt bearing GHPD Police on each shoulder	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Taser on Exterior vest / OC Spray also on Exterior vest
Ballistic Vest: External Armor	Body Worn Camera: Present & Used
Other Recording Devices: N/A	Partner: N/A
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Crisis intervention	OPOTC Certification: Polaris Career Center / 2015
Military Experience/Training: None	Use-of-Force Training: Annual Use of Force and policy review
Prior Shooting Incidents: No	Prior Discipline/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 the Past 24 Hours? No	Last Consumed Alcohol Prior to Incident: Doesn't remember

Officer's Firearm(s):

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Weapon #1

Make: Smith & Wesson	Model: Shield
Caliber/Gauge: 9 mm	Serial: Did not know
Type: Semi-Auto Handgun	Method of Carry: On belt, on right
Magazine Capacity: Not sure	Total Rounds as Carried (including chamber): Not sure
Extra Magazines: 2	Number of Rounds in Extra Magazines: Unknown
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: Unknown	Number of Rounds Fired: Unknown
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: June or July of 2023	Type of Holster, if any: Department issued - Level III

Narrative:

█████ stated prior to receiving the call for service on Hathaway, she was on patrol. █████ stated she and █████ were dispatched to an approximate address on Hathaway, in reference to a male that called 911 asking for the number to the suicide hotline. █████ further stated the male did not provide anymore information and eventually hung up on the dispatcher. Upon █████'s arrival, █████ was already on scene. █████ stated █████ asked dispatch if there was a history at the residence. Dispatch advised there was a note from 2009 indicating guns in view.

As █████ "cautiously" made her way to the front door, █████ walked around towards the rear of the residence. After █████ began knocking on the front door, a female opened the door and, "looked very confused as to why we were there." After advising the female of the reason for them being there, █████ stated the female "seemed very annoyed." █████ further stated that the female wasn't annoyed because they were there but just annoyed at the situation.

The female told █████ that it was probably her husband and he's in the basement. When █████ asked the female if there were any weapons in the house, the female paused for a second, but then said, "no." At this point, the female was leading █████ and █████ through the house to the basement door. When █████ tried to open the door, it was locked. █████ then stated that the female retrieved the keys to another

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basement door. The female stated that door can be accessed from outside the rear of the residence.

After retrieving the keys to the basement door, [REDACTED] stated she began knocking on the door and used the doorbell. While she was knocking on the door, she said, "Benard, Its Garfield... nothing, no answer." [REDACTED] stated she did not hear or see anything. Prior to opening the door, [REDACTED] stated she was peeking through a little window on the door and saw a room with no one there. At this point, [REDACTED] decided to use the keys to enter the basement.

When [REDACTED] entered the basement, she stated, "*Benard, you in here, its Garfield Police.*" [REDACTED] stated she heard mumbling and knew he was close by. [REDACTED] stated she went to the right and [REDACTED] went to the left. When [REDACTED] went around the corner, she saw the male Benard Russell (Benard) sitting in an office chair with a gun pointed to his head. At this point Benard yelled out to get the light out of his face. [REDACTED] stated she lowered her light and gun knowing that [REDACTED]. [REDACTED] was positioned to her left.

[REDACTED] stated she "*tried very hard to talk to him and to get him to put the gun down, he, uh, didn't want to.*" Benard wanted [REDACTED] to leave, and [REDACTED] replied, "*I couldn't leave, I said I can't leave you. I can't do that.*" [REDACTED] stated that Benard told her, "*Then pull up a chair and enjoy the show.*" [REDACTED] replied, "*please don't do that, please don't do that. He was giving off indications he was going to pull the trigger.*" At one-point Benard puts his head in his lap and mumbles. "*We all die someday.*" [REDACTED] stated, "*No Benard, please don't do this.*" Shortly after that, [REDACTED] offered to take Benard to go get help if he puts down the gun. [REDACTED] stated Benard asked her "*if she wanted to go home to her family too.*" [REDACTED] stated Benard didn't really respond to anything other than asking [REDACTED] if she wanted to go home to her family again. At this point, additional GHPD officers were entering the basement, and it was upsetting Benard. [REDACTED] then stated, "*Benard lowered the handgun right at me, and uh, I remember screaming no!*" At this point, [REDACTED] began to fire her weapon at Benard. As Benard fell from his chair, Benard was yelling and still had the gun gripped in his hand. [REDACTED] stated she wasn't sure exactly where the gun was located after he went to the ground. [REDACTED] wanted to move up quickly to administer first aid. Shortly thereafter, [REDACTED] heard another shot which was fired by [REDACTED]. [REDACTED] began to administer emergency first aid.

Follow-Up Questions

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██████ was asked about the conversation with the female when they first arrived at the residence the female told ██████ and ██████ that they were *"discussing a divorce."* ██████ stated she didn't recall anything else said by the female. ██████ stated the female appeared to come off as *"none of this was a big deal"* and that her reaction was *"very nonchalant."* When SA Goudy asked ██████ if *"the gun was pointed at his head the entire time?"* ██████ stated, *"Yes. Until he went to his, I can't remember if it was just pointed, but it was always pointed at his head."*

SA Goudy asked ██████ to describe the yelling. ██████ relayed that Benard only yelled when other officers entered the basement. ██████ explained that she advised Benard that the additional officers cannot leave for her own protection.

When SA Goudy asked ██████ how she interpreted Benard saying *"pull up a chair and enjoy the show."* ██████ interpreted that statement as Benard's *"going to kill himself right in front of me."*

SA Momchilov asked ██████ if she was able to tell if Benard fired a round at them, ██████ said, *"no, I don't believe he did."* When SA Momchilov asked ██████ if she heard any gunshots going off. ██████ *"stated she heard, '█████. ██████ as she was firing."*

When SA Momchilov asked if she noticed any *"perceptual phenomena of time slowing down or speeding up, or tunnel vision;"* ██████ replied, *"yes, I felt when he took the gun from his head and pointed it at me, it was very slow."*

The interview concluded at approximately 1055 hours.

The interview was audio and video recorded. The video recording is referenced as Item D which is stored within the BCI SIU physical case file. The audio recording is attached to this report along with the signed BCI Criminal Investigation Notification form. Please see the attachment and reference item D 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).

P [Redacted]

11/30/2023 10:13 A
Date / Time

[Redacted]

Cory Momchilov
BCI Agent (Printed)

[Signature] #64
BCI Agent (Signature)