



**Ohio Attorney General's Office  
Bureau of Criminal Investigation  
Prosecutor Summary**

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To: Ohio Attorney General's Office – Special Prosecutions Section

CC: [SAS] Charles Moran

From: [SA] John Tingley

Date: February 26, 2024

Case Title: Officer–Involved Critical Incident

Case Number: 2023–2730

**Investigative Request:**

On Thursday, October 12, 2023, Youngstown Police Department (YPD) Chief Carl Davis requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer–involved critical incident. The officer–involved critical incident reportedly occurred on October 12, 2023, in the area of 4312 Helena Avenue, Youngstown, Mahoning County, Ohio, and resulted in the death of Ricco Acevedo (Acevedo).

**Preface:**

This report serves as a synopsis of the investigation into the Thursday, October 12, 2023, officer–involved critical incident in Mahoning County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this officer–involved critical incident. Not every fact and detail of this investigation is presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident. This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

**Investigative Team:**

BCI Special Agent (SA) John Tingley (Tingley) was assigned as the lead SIU case agent. SA Tingley received assistance in the investigation from SA Lehnhart, SA Shea, and SAS Moran. Furthermore, BCI Special Agent Hootman and Crime Scene Technician Rostocil of the Crime Scene Unit processed the incident scene by documenting, preserving, and collecting possible evidence. The investigation was supervised by Special Agent Supervisor Charles Moran.

**Summary of Process:**

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The following is a partial list of investigative activities or methods which were employed during the course of this investigation by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Recorded interview of the involved YPD Officer who discharged his duty weapon during the incident.
- Recorded interviews of the witness officers (Robert Giovanni and David Hillard).
- Recorded interview of the complainant/s who initiated call which led to the officer-involved critical incident (2).
- Recorded interviews of the EMS personnel (Jeff Dobson, Tom Allison, Jen Schrenckengest) who responded and administered aid at the scene to Ricco Acevedo.
- Neighborhood canvass of the area around the scene.
- Obtained and reviewed open and closed-sourced information on Ricco Acevedo to include criminal history reports; OHLEG; driving records; etc.
- Review body camera of involved officer who discharged his duty weapon.
- Review of body camera videos of witness officers (Robert Giovanni and David Hillard).
- Processing of crime scene for potential evidence (photographing, searching, measuring, documenting and collecting).
- Use of the Leica BLK360 scanner to document the scene.
- Review audio communications on the radio frequencies utilized during the incident by YPD.
- Review YPD Dispatch Computer Aided Dispatch (CAD) records.
- Received and reviewed the departmental personnel file for the involved officer to include training and disciplinary/commendation records.
- Received and reviewed involved YPD officer qualification records.
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the involved YPD officer.
- Received and reviewed YPD policies and procedures regarding use of force
- Received and reviewed EMS records pertaining to their response and treatment of Ricco Acevedo at the scene.
- Attended autopsy of Ricco Acevedo at the Cuyahoga County Coroner's Office.
- Received and reviewed autopsy and toxicology report for Ricco Acevedo from the Cuyahoga County Coroner's Office.

### **Incident Summary/Overview:**

The overall incident began on October 12, 2023, at approximately 0913 hours, when YPD Dispatch received a call from Elizabeth Cuevas (Cuevas). Cuevas stated that on the morning of October 12, 2023, she went to check on the residence at 4312 Helena Avenue and noticed that the gate, which is normally across the driveway and locked, was "bashed in." Cuevas then observed a male coming down the steps of the residence whom she did not recognize.

YPD Dispatch dispatched Sergeant [REDACTED] [REDACTED] and Officer David Hilliard (Hilliard) to the address for a prowler/burglary. Sergeant [REDACTED] arrived first and contacted Cuevas who had exited her vehicle and walked to meet him in the driveway. Cuevas advised Sergeant [REDACTED] that she is the mother of the property owner (Ernesto Cuevas) of 4312 Helena Avenue. Cuevas told Sergeant [REDACTED] that she observed a bald male wearing a black coat at the residence.

Sergeant [REDACTED] then walked to 4312 Helena Avenue and contacted Ricco Acevedo (Acevedo) who was standing in the driveway.

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Ricco Acevedo

Sergeant [REDACTED] asked Acevedo why he was at the residence and Acevedo stated that he was doing work at the residence for the homeowner. Sergeant [REDACTED] then asked Acevedo if he had keys to the residence. Acevedo was unable to produce a key that unlocked the residence. During this time YPD Officer Hilliard arrived on scene.

Sergeant [REDACTED] asked Acevedo for his identification and Acevedo stated that he did not have his identification with him. Sergeant [REDACTED] continued by asking Acevedo for his name and other identifying information. Acevedo responded that he was Rick Burkiemer, with a date of birth of December 23, 1982, and a social security number of [REDACTED]. Sergeant [REDACTED] then returned to his cruiser to check the information through the Mobile Data Terminal (MDT) in his cruiser while Officer Hilliard remained with Acevedo.

While waiting for Sergeant [REDACTED] to return, Officer Hilliard asked Acevedo how long he had been working at the house at 4312 Helena Avenue. Acevedo replied, "Two days." Officer Hilliard then asked Acevedo when he talked with the homeowner about the job at the residence. Acevedo replied, "About a month ago". Officer Hilliard continued by asking Acevedo which door Acevedo used to enter the house. Acevedo replied, "Front door."

Shortly thereafter, YPD Officer Robert Giovanni (Giovanni) arrived on scene and contacted Officer Hilliard who briefed him on the call and the information obtained to that point.

Sergeant [REDACTED] returned to 4312 Helena Avenue and contacted Acevedo who was standing on the front porch. Sergeant [REDACTED] asked Acevedo for Acevedo's information again and Acevedo provided the same information. Sergeant [REDACTED] then told Acevedo that the information that Acevedo was giving to Sergeant [REDACTED] was not true. At this time, Sergeant [REDACTED] told Acevedo to "grab" the wall. Acevedo looked at Sergeant [REDACTED] and then turned around and ran into the residence through the front door with Sergeant [REDACTED] following close behind. Officer Hilliard ran to the rear of the residence while Officer Giovanni followed Sergeant [REDACTED] into the residence.

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Ricco Acevedo running into the residence

As he was running towards the staircase leading to second floor of the residence, Acevedo yelled out "I have a gun on me." Acevedo then repeated "I have a gun on me" and continued running up the staircase followed by Sergeant [REDACTED] who had his duty handgun in his hand. Acevedo reached the top of the stairs and turned left and went down the second-floor hallway. Sergeant [REDACTED] stopped at the top of the staircase and began covering the hallway with his firearm.



Sergeant [REDACTED] standing at the top of the staircase

As Sergeant [REDACTED] stopped at the top of the staircase, Officer Giovanni and Officer Hilliard took up positions on the staircase to provide support for Sergeant [REDACTED]

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Sergeant [REDACTED] told Acevedo to toss the gun onto the ground. A few moments later, Sergeant [REDACTED] told Acevedo, "Toss that gun down" Acevedo responds "No." Sergeant [REDACTED] again says to Acevedo, "Toss it." Acevedo responds, "I'm not tossing it." Sergeant [REDACTED] again tells Acevedo, "Toss the gun." Acevedo then told Sergeant [REDACTED] that his real name is Ricco Acevedo. Acevedo then told Sergeant [REDACTED] that he has nothing to live for. A few moments later, Acevedo said, "I'm not doing this anymore." Sergeant [REDACTED] asks Acevedo, "Why are you doing this right now?" Acevedo replied that he does not trust the police. Sergeant [REDACTED] again instructed Acevedo to toss the gun down. Acevedo then asked Sergeant [REDACTED] if he had ever shot somebody. Sergeant [REDACTED] replied, "Yes." Shortly thereafter, Acevedo said, "unintelligible... you're going to have to shoot me because I'm not going to jail." Acevedo then said, "At least three times."

At approximately 09:41 hours, Sergeant [REDACTED] fired three (3) rounds.

Sergeant [REDACTED] then instructed Officer Giovanni to call for an ambulance. Sergeant [REDACTED] approached Acevedo who was lying in the hallway at the entrance to the bathroom. Sergeant [REDACTED] handcuffed and then searched Acevedo. A short time later, Officer Giovanni told dispatch to expedite the ambulance and verified that shots had been fired.

After doing a quick check to make sure that there was no other person on the second floor of the residence, Sergeant [REDACTED] left the scene.

A two (2) person ambulance crew and a supervisor arrived at the residence from the Emergency Medical Transport company and began treating Acevedo. However, they soon announced that Acevedo had no pulse and began CPR.

The supervisor (Dobson) assisted with the treatment and approximately twenty (20) minutes after arriving, with Acevedo in cardiac arrest, the Dobson contacted Doctor Russell at Trumbull Memorial Hospital. Dobson gave Doctor Russell a description of the treatment Acevedo received and Acevedo's current condition. At approximately 1004 hours, Doctor Russell instructed Dobson to end the treatment for Acevedo.

### **Ricco Acevedo:**

Ricco Acevedo was a 46-year-old Hispanic male who resided at 1608 Market Street, Youngstown, Ohio. Acevedo had a history of numerous prior contacts with multiple different law enforcement agencies. At the time of the incident, Acevedo had an arrest warrant out of the Warren Municipal Court for Failure to Appear. Acevedo also had an extensive criminal history which consisted of multiple misdemeanor and felony convictions.

### **Physical Evidence:**

BCI CSU personnel processed the scene for potential evidence including photographing; searching; measuring; documenting; and collecting twelve (12) items of evidence.

These items of evidence being:

- Buffing wheel cleaning tool
- Hornady 9mm fired cartridge
- Hornady 9mm fired cartridge
- Hornady 9mm fired cartridge
- Blazer 9mm cartridge
- Blazer 9mm cartridge
- Republic 9mm cartridge
- Super X .22 cartridge

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- Winchester 9mm cartridge
- Sig Sauer P320 pistol (Sgt. [REDACTED]'s duty weapon)
- Black Hanes tank top
- Gray Mission Ridge hooded zipper jacket

### Witnesses:

The area around 4312 Helena Avenue was canvassed by BCI SA Lehnhart and SAS Moran. However, due to the officer-involved critical incident occurring inside of the residence, none of the witnesses were able to observe the actual shooting even though multiple people heard the gunshots.

### Involved Officer's Interview/Statement:

The following paragraphs are extremely abbreviated versions of Sergeant [REDACTED]'s account of his actions pertaining to this incident. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and is not a word-for-word translation of either the statement or the questions or answers. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information documented in the following.

On Thursday, October 19, 2023, at approximately 0959 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley) and SA Jack Shea (Shea) interviewed Youngstown Police Department (YPD) Sergeant [REDACTED].

Sergeant [REDACTED] advised that he was dispatched to 4312 Helena Avenue, Youngstown, Ohio, for a 'prowler' who was going in and out of the residence. Sergeant [REDACTED] arrived in the general area first and as he drove towards 4312 Helena Avenue, he was motioned over by two (2) females standing in a driveway a short distance from 4312 Helena Avenue. One (1) of the females identified herself as Elizabeth Cuevas (Cuevas), the mother of the homeowner of 4312 Helena Avenue. Cuevas stated that she and a neighbor were watching the residence while the homeowner (Ernesto Cuevas) was incarcerated. She advised that she observed an unknown male walking around the residence and called the police.

Sergeant [REDACTED] stated that he then moved towards 4312 Helena Avenue. Upon arriving at 4312 Helena Avenue, he noticed a male standing in the driveway. Sergeant [REDACTED] approached the male subject (later identified as Ricco Acevedo) and asked him if he lived there. Acevedo stated that he did not live at the residence but was doing work for the homeowner whom the subject knew was incarcerated.

Upon being asked, Acevedo gave Sergeant [REDACTED] a name, date of birth, and social security number. By this time, YPD Officer Hillard had arrived on scene and Sergeant [REDACTED] had Officer Hillard remain with Acevedo while Sergeant [REDACTED] returned to his cruiser and checked the information given by Acevedo on the cruiser's mobile data terminal (MDT). However, upon checking the provided information on the MDT, there was no match for the information given by Acevedo.

Sergeant [REDACTED] advised that he returned to Acevedo and asked him again for his identification. Acevedo then gave Sergeant [REDACTED] a different date of birth and social security number. At this time, Sergeant [REDACTED] decided to detain Acevedo. Sergeant [REDACTED] told Acevedo to put his hands on the wall, however, Acevedo instead pushed past Sergeant [REDACTED] and ran into the residence. As Acevedo ran into the residence and away from Sergeant [REDACTED] he said "I have a gun." Sergeant [REDACTED] stated that he believed Acevedo had a gun.

Sergeant [REDACTED] proceeded into the residence after Acevedo with YPD Officer Giovanni (who had recently arrived on scene) behind him. However, Acevedo ran up the staircase to the second floor and Sergeant [REDACTED] followed. Sergeant [REDACTED]

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stopped at the top of the stairs where the staircase enters into the upstairs hallway. Sergeant [REDACTED] looked around the corner and observed Acevedo in the hallway a short distance away. Acevedo turned around and said, "I have a gun" and "I'm going to kill you" and "You're going to have to kill me." About this same time, Acevedo also identified himself by name to Sergeant [REDACTED] this time giving his correct name.

Sergeant [REDACTED] continued to try and engage Acevedo in conversation and Acevedo continued to say things to Sergeant [REDACTED] including that he isn't going back and that he can't do this anymore. Acevedo then asked Sergeant [REDACTED] if he had shot anyone before. Sergeant [REDACTED] replies yes, and Acevedo said, "You are going to have to shoot me" and "You're going to have to kill me." Sergeant [REDACTED] told Acevedo to toss the gun and surrender as the situation was not that serious yet.

Sergeant [REDACTED] stated that Acevedo then called out that he was coming out and to get ready. Shortly thereafter, Acevedo ran out of the room he was inside and begins moving towards Sergeant [REDACTED] while trying to get something out of his waistband. Acevedo then began to pull what appeared to Sergeant [REDACTED] to be a chrome revolver from his waistband. Sergeant [REDACTED] advised that at this time he fired his weapon and Acevedo went down. Acevedo then quit moving and Sergeant [REDACTED] observed an object lying on the floor not far from where Acevedo was lying in the doorway to the bathroom. Sergeant [REDACTED] initially believed it was a handgun, but when he looked closer, he realized that the object was not a gun.



Sergeant [REDACTED] stated that he then had Officer Giovanni cover him as he approached Acevedo. Sergeant [REDACTED] reached Acevedo and handcuffed him and searched him. Sergeant [REDACTED] then checked the room where Acevedo was lying in the doorway in order to make sure that there was no other person upstairs in the residence. Once the room was checked and the scene was secure, Sergeant [REDACTED] had Officer Giovanni call for an ambulance for Acevedo.

### **Involved Officer's Body Camera Video Footage:**

The listed information is a synopsis of the activities and conversations recorded on Sergeant [REDACTED]'s body worn camera and only documents those activities which the author deems to be the most relevant. This synopsis is not a word-for-word

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translation of the conversations or comments made by Sergeant [REDACTED] other members of the YPD or Ricco Acevedo. It is suggested that the full recordings be reviewed to clarify any content or contextual questions regarding the information documented in the following.

At approximately 09:21:02, Sergeant [REDACTED] stops.

At approximately 09:21:07, Sergeant [REDACTED] exits his cruiser.

At approximately 09:21:10, Sergeant [REDACTED] activates the audio on his body camera.

At approximately 09:21:28, Sergeant [REDACTED] contacts Elizabeth Cuevas who exited her vehicle and walked to meet him in the driveway. Cuevas advises Sergeant [REDACTED] that she is the mother of the property owner (Ernesto Cuevas) of 4312 Helena Avenue. Cuevas tells Sergeant [REDACTED] that she observed a bald male wearing a black coat at the residence.

At approximately 09:22:07, Sergeant [REDACTED] says to Cuevas, there is a guy in the house, and you don't know who he is? Cuevas responds "No."

At approximately 09:22:15, Sergeant [REDACTED] begins walking towards the residence at 4312 Helena Avenue.

At approximately 09:22:39, Sergeant [REDACTED] arrives at 4312 Helena Avenue and contacts Ricco Acevedo (Acevedo) who is standing in the driveway holding a broom and a trash bag.

At approximately 09:22:46, Sergeant [REDACTED] asks Acevedo, "Whose house is this?" Acevedo answers, "A dude named Cuevas."

At approximately 09:23:12, Sergeant [REDACTED] says "You don't live here though?" Acevedo responds "No." Sergeant [REDACTED] then asks Acevedo, "Do you work for him?" Acevedo responds "Ya."

At approximately 09:25:35, Sergeant [REDACTED] motions for Cuevas to come to 4312 Helena Avenue.

At approximately 09:25:59, Cuevas arrives at 4312 Helena Avenue and contacts Sergeant [REDACTED] and Acevedo who are standing in the driveway.

At approximately 09:26:24, Cuevas asks Acevedo, "Did he give you a key?" Acevedo responds, "Ya." Cuevas then says, "Well guess what? We changed the locks."

At approximately 09:27:44, Sergeant [REDACTED] asks Acevedo if he has a key to the house. Acevedo responds, "Yes I do."

At approximately 09:27:53, Sergeant [REDACTED] follows Acevedo into the residence. Acevedo begins trying different keys to see if they unlock the front door lock, however, none of the keys work on the lock.

At approximately 09:29:44, Sergeant [REDACTED] and Acevedo exit the residence through the front door. Another YPD Officer Dave Hilliard (Hilliard), is seen standing on the porch.

At approximately 09:32:33, Sergeant [REDACTED] asks Acevedo for his identification. Acevedo states that he does not have his identification with him. Sergeant [REDACTED] then asks Acevedo for his name and other identifying information. Acevedo responds that he is Rick Burkiemer, with a date of birth of December 23, 1982, and a social security number of [REDACTED]. Sergeant [REDACTED] then returns to his cruiser to check the information through the Mobile Data Terminal (MDT) in his cruiser. Officer Hilliard remains with Acevedo.

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At approximately 09:38:05, Sergeant [REDACTED] exits his cruiser and returns to 4312 Helena Avenue where he contacts Acevedo and Officer Hillard.

At approximately 09:38:41, Sergeant [REDACTED] asks Acevedo to repeat the information that Acevedo had previously given him. Acevedo repeats the same information. Sergeant [REDACTED] then tells Acevedo that there is a problem as the provided information does not return to anyone.

At approximately 09:39:09, Sergeant [REDACTED] tells Acevedo to turn around and place his hands on the wall.

At approximately 09:39:23, Acevedo runs into the residence at 4312 Helena Avenue through the front door. Sergeant [REDACTED] follows Acevedo into the residence after telling another YPD officer who was on scene (Ofc. Hilliard) to cover the rear of the residence. Another YPD Officer, Officer Giovanni, had arrived on scene a few moments before and followed Sergeant [REDACTED] into the residence.

At approximately 09:39:26, Acevedo yells out "I have a gun on me." Acevedo then repeats "I have a gun on me" and continues running up the staircase followed by Sergeant [REDACTED] who has his firearm in his hand. Acevedo reaches the top of the stairs and goes down the second-floor hallway. Sergeant [REDACTED] stops at the top of the staircase and begins covering the hallway with his firearm. However, there is no view of the hallway as Sergeant [REDACTED] is leaning around the corner and the body camera is facing the wall and doorway at the top of the staircase.

At approximately 09:39:38, Sergeant [REDACTED] tells Acevedo to toss the gun onto the ground.

At approximately 09:39:45, Sergeant [REDACTED] tells Acevedo, "Toss that gun down" Acevedo responds "No."

At approximately 09:39:49, Sergeant [REDACTED] says to Acevedo, "Toss it." Acevedo responds, "I'm not tossing it."

At approximately 09:39:56, Sergeant [REDACTED] again tells Acevedo, "Toss the gun."

At approximately 09:40:22, Acevedo tells Sergeant [REDACTED] that his real name is Ricco Acevedo.

At approximately 09:40:30, Acevedo tells Sergeant [REDACTED] that he has nothing to live for.

At approximately 09:40:36, Acevedo says, "I'm not doing this anymore."

At approximately 09:40:51, Sergeant [REDACTED] asks Acevedo, "Why are you doing this right now?" Acevedo replies that he does not trust the police.

At approximately 09:41:03, Sergeant [REDACTED] again instructs Acevedo to toss the gun down.

At approximately 09:41:25, Acevedo asks Sergeant [REDACTED] if he has ever shot somebody. Sergeant [REDACTED] replies, "yes."

At approximately 09:41:29, Acevedo says, "(unintelligible)... you're going to have to shoot me because I'm not going to jail."

At approximately 09:41:38, Acevedo then says, "At least three times."

At approximately 09:41:41, Sergeant [REDACTED] fires three (3) rounds.

At approximately 09:41:55, Sergeant [REDACTED] instructs Officer Giovanni to call for an ambulance. Sergeant [REDACTED] then approaches Acevedo who has fallen to the floor.

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At approximately 09:42:05, Sergeant [REDACTED] reaches Acevedo who is lying in the hallway at the entrance to the bathroom. Sergeant [REDACTED] handcuffs and then searches Acevedo.

At approximately 09:42:57, Officer Giovanni is heard telling dispatch to expedite the ambulance and verified that shots have been fired.

At approximately 09:43:20, Sergeant [REDACTED] moves forward and checks the other rooms in the immediate area to make sure that there is no one else present.

At approximately 09:44:08, Sergeant [REDACTED] exits the residence through the front door.

At approximately 09:46:41, the ambulance arrives at the residence. Sergeant [REDACTED] directs them to the front door and tells them that they will need everything.

At approximately 09:47:21, Sergeant [REDACTED] tells YPD dispatch to notify the command staff and the shoot team. The video then concludes as Sergeant [REDACTED] turns off his body camera while standing in the front yard of 4312 Helena Avenue.

### **Witness Officer Interviews:**

The following paragraphs are extremely abbreviated versions of each officer's account of his or her actions pertaining to this incident. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and is not a word-for-word translation of either the statement or the questions or answers. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview.

#### **Officer Giovanni**

Officer Giovanni responded to the scene to assist and arrived after Sergeant [REDACTED] and Officer Hilliard were already on scene. Upon arrival at the scene, Officer Giovanni contacted Officer Hilliard who briefed him on the call. A short time later, Sergeant [REDACTED] returned to the residence and spoke with Acevedo. Sergeant [REDACTED] decided to detain Acevedo and told Acevedo at which point Acevedo ran into the residence.

Officer Giovanni followed Sergeant [REDACTED] who had followed Acevedo into the residence where Acevedo ran up the staircase leading to the second floor. Sergeant [REDACTED] and Officer Giovanni followed Acevedo up the stairs with Sergeant [REDACTED] taking a position at the top of the staircase. Sergeant [REDACTED] then began giving commands to Acevedo.

Acevedo kept saying that he had a gun, and that officers were going to have to shoot him. While Sergeant [REDACTED] continued speaking with Acevedo, Officer Hilliard arrived at the staircase in the residence. Sergeant [REDACTED] instructed Officer Hilliard to get a long gun from the cruiser and Officer Hilliard left.

A short time later Officer Hilliard heard footsteps and heard Sergeant [REDACTED] say, "Don't do it". Sergeant [REDACTED] then fired three (3) rounds.

#### **Officer Hilliard**

Officer Hilliard was dispatched with Sergeant [REDACTED] to a burglary/prowler call at 4312 Helena Avenue. Sergeant [REDACTED] arrived first and was speaking with Acevedo at the residence when Officer Hillard arrived. Officer Hilliard then spoke with a witness and after getting information from the witness he approached the residence where Sergeant [REDACTED] was speaking with Acevedo.

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Acevedo said that he was doing work at the residence for the homeowner. Sergeant [REDACTED] then asked Acevedo for his identification/information which Acevedo provided (false name and information given). Sergeant [REDACTED] returned to his cruiser to check the provided information while Officer Hilliard remained with Acevedo. A short time later Officer Giovanni arrived on scene. Officer Hilliard briefed Officer Giovanni of the information developed to that point.

Sergeant [REDACTED] returned to the residence and contacted Acevedo. Sergeant [REDACTED] told Acevedo that the information provided was not correct. Sergeant [REDACTED] moved towards Acevedo in order to detain him, but Acevedo ran into the residence. Officer Hilliard then ran to the rear of the residence. However, after a few moments, Officer Hilliard returned to the front of the residence and goes inside.

When Officer Hillard arrived at the bottom of the staircase, he observed Sergeant [REDACTED] standing at the top of the staircase. Sergeant [REDACTED] then directed Officer Hilliard to retrieve a rifle from the cruiser. Officer Hilliard retrieved the rifle and returned to the bottom of the staircase in the residence. Shortly after arriving back at the staircase, Officer Hilliard then heard Sergeant [REDACTED] say, "Don't do it." Sergeant [REDACTED] then fired three rounds.

### **Witness Officer Body Camera Footage:**

The listed information is a synopsis of the activities and conversations recorded on Officer Giovanni's and Officer Hilliard's body worn cameras and only documents those activities which the author deems to be the most relevant. This synopsis is not a word-for-word translation of the conversations or comments made by Sgt. [REDACTED] other members of the YPD, or Ricco Acevedo. It is suggested that the full recordings be reviewed to clarify any content or contextual questions regarding the information documented in the following.

#### **Officer Giovanni**

The video is 0:33:35 in length and begins at 09:36:37 as Ofc. Giovanni is driving. Initially, there is no audio.

At approximately 09:36:58, Officer Giovanni stops his cruiser.

At approximately 09:37:01, Officer Giovanni exits his cruiser.

At approximately 09:37:19, Officer Giovanni contacts Officer Hilliard, who is standing at the bottom of the steps to the front porch. He also contacts Acevedo who is sitting on a step talking with Officer Hilliard. Officer Hilliard then advised Officer Giovanni of the situation.

At approximately 09:38:36, Sergeant [REDACTED] returns to 4312 Helena Avenue and contacts Acevedo on the front porch. Sergeant [REDACTED] asks Acevedo to repeat his information as nothing returned on the computer for the information Acevedo previously gave. Acevedo then repeats the same information.

At approximately 09:39:09, Sergeant [REDACTED] tells Acevedo to turn around and place his hands on the wall.

At approximately 09:39:23, Acevedo runs into the residence at 4312 Helena Avenue through the front door. Sergeant [REDACTED] follows Acevedo into the residence after telling another YPD officer who has arrived on scene to cover the rear of the residence.

At approximately 09:39:26, Acevedo can be heard saying "I have a gun on me." Acevedo then repeats that a few moments later. As this is taking place, Sergeant [REDACTED] and Officer Giovanni follow Acevedo up the stairwell to the second floor. Sergeant [REDACTED] tells Acevedo to toss the gun onto the ground.

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At approximately 09:39:45, Sergeant [REDACTED] tells Acevedo, "Toss that gun down" Acevedo responds "No".

At approximately 09:39:49, Sergeant [REDACTED] says to Acevedo, "Toss it". Acevedo responds, "I'm not tossing it".

At approximately 09:39:56, Sergeant [REDACTED] again tells Acevedo, "Toss the gun".

At approximately 09:40:22, Acevedo tells Sergeant [REDACTED] that his real name is Ricco Acevedo.

At approximately 09:40:30, Acevedo tells Sergeant [REDACTED] that he has nothing to live for.

At approximately 09:41:03, Sergeant [REDACTED] again instructs Acevedo to toss the gun down.

At approximately 09:41:25, Acevedo asks Sergeant [REDACTED] if he has ever shot somebody. Sergeant [REDACTED] replies yes.

At approximately 09:41:29, Acevedo says, "(unintelligible)...you're going to have to shoot me because I'm not going to jail".

At approximately 09:41:38, Acevedo then says, "At least three times".

At approximately 09:41:41, Sergeant [REDACTED] fires three (3) rounds.

Officer Hilliard

At approximately 09:28:18, Officer Hilliard stops his cruiser.

At approximately 09:28:21, Officer Hilliard exits his cruiser.

At approximately 09:29:15, Officer Hilliard begins walking towards 4312 Helena Avenue. Officer Hilliard arrives on the porch at 4312 Helena Avenue where he contacts YPD Sergeant (Sgt.) [REDACTED] and Acevedo.

At approximately 09:32:32, Sergeant [REDACTED] asks Acevedo for his identification. Acevedo replies that he does not have his identification. Acevedo then advises that he is Rick Burkiemer with a date of birth of December 23, 1982, and a social security number of 236-15-6779.

At approximately 09:34:13, Sergeant [REDACTED] leaves 4312 Helena Avenue in order to return to his cruiser and check the information provided by Acevedo.

At approximately 09:34:18, Officer Hilliard asks Acevedo how long he has been working at the house at 4312 Helena Avenue. Acevedo replied, "Two days."

At approximately 09:34:29, Officer Hilliard asks Acevedo when he talked with the homeowner about the job at the residence. Acevedo replied, "About a month ago."

At approximately 09:36:51, a third YPD cruiser arrives at the scene. Officer Giovanni exits the cruiser and contacts Officer Hilliard. Officer Hilliard then informs Officer Giovanni of the situation and the information obtained.

At approximately 09:38:32, Sergeant [REDACTED] arrives back on the front porch at 4312 Helena Avenue and contacts Acevedo who is standing on the front porch. Both Officer Hilliard and Officer Giovanni are standing at the bottom of the stairs that lead up to the front porch. Sergeant [REDACTED] asks Acevedo for Acevedo's information again. Acevedo provides the same information. Sergeant [REDACTED] then tells Acevedo to "grab" the wall.

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At approximately 09:39:21, Acevedo runs into the residence with Sergeant [REDACTED] following close behind. Officer Hilliard runs to the rear of the residence and draws his Taser. Officer Giovanni follows Sergeant [REDACTED] into the residence.

At approximately 09:39:49, Officer Hilliard returns to the front of the residence and then enters the residence.

At approximately 09:40:02, Officer Hilliard arrives at the bottom of the staircase leading to the second floor.

At approximately 09:40:17, Officer Giovanni instructs Officer Hilliard to get a long gun (rifle). Officer Hilliard then leaves the residence through the front door and returns to a YPD cruiser.

At approximately 09:40:58, Officer Hilliard retrieves the long gun and begins returning to the residence.

At approximately 09:41:24, Officer Hilliard enters the residence and moves towards the staircase. Officer Hilliard then begins going up the stairs. Officer Hilliard then stops behind Ofc. Giovanni on the staircase.

At approximately 09:41:39 shots are fired. Both Officer Giovanni and Officer Hilliard move to the top of the staircase and then move into the hallway. At this point, Sergeant [REDACTED] can be seen approaching Acevedo who is lying on the floor. Officer Giovanni then tells dispatch that an ambulance is needed.

### **Dispatch Radio Traffic:**

The summary below is not intended to be a word for word translation of every radio transmission, rather, the information listed was deemed by SA Tingley to be the most relevant and useful in obtaining an understanding of the radio traffic related to the officer-involved critical incident (OICI).

YPD Dispatch was called by Betty Cuevas (Cuevas) who advises that a black male wearing a black jacket was breaking into Cuevas' son's residence which was located at 4312 Helena Avenue, Youngstown, Ohio.

These recordings will be listed by file number and length of audio recording as there is no date or time listed on the individual files. The recordings will also be listed chronologically as they were received on the day of the incident.

59\_YPD1\_2023\_10\_12\_09\_17\_11\_by\_Start\_Time\_desc 0:00:10 in length

YPD Sgt. [REDACTED] dispatched to 4312 Helena Avenue

51\_YPD1\_2023\_10\_12\_09\_39\_57\_by\_Start\_Time\_desc 0:00:07 in length

Unknown YPD officer contacts Dispatch and requests more units.

47\_YPD1\_2023\_10\_12\_09\_41\_45\_by\_Start\_Time\_desc 0:00:04 in length

Unknown YPD officer calls out "Shots Fired".

46\_YPD1\_2023\_10\_12\_09\_41\_57\_by\_Start\_Time\_desc 0:00:05 in length

Unknown YPD officer requests an ambulance.

42\_YPD1\_2023\_10\_12\_09\_42\_52\_by\_Start\_Time\_desc 0:00:08 in length

YPD Officer Giovanni advises Dispatch to expedite an ambulance to 4312 Helena Avenue.

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41\_YPD1\_2023\_10\_12\_09\_43\_01\_by\_Start\_Time\_desc 0:00:09 in length

YPD Officer Giovanni confirms with Dispatch that shots have been fired and again requests an ambulance.

40\_YPD1\_2023\_10\_12\_09\_43\_01\_by\_Start\_Time\_desc 0:00:04 in length

YPD Dispatch notifies YPD units on the scene that the ambulance response has been expedited.

33\_YPD1\_2023\_10\_12\_09\_45\_34\_by\_Start\_Time\_desc 0:00:11 in length

YPD Detective Sergeant (Det. Sgt.) Marciano instructs other YPD officers to tape off (secure) the residence at 4312 Helena Avenue.

29\_YPD1\_2023\_10\_12\_09\_47\_20\_by\_Start\_Time\_desc 0:00:04 in length

Unknown YPD Officer notifies dispatch that the YPD Shooting team was needed at 4312 Helena Avenue.

11\_Position\_1\_2023\_10\_12\_10\_12\_41\_by\_Start\_Time\_desc 0:02:02 in length

Dispatch contacts the Mahoning County Coroner's Office and advises them of the officer-involved critical incident and the need for the Coroner to respond to the scene.

For further details, please refer to the report documenting the YPD radio traffic and the actual audio recordings of the radio traffic.

### **Dispatch CAD Report:**

Records were also received from the YPD which included Computer Aided Dispatch (CAD) records from the date and time of the incident. Below is an excerpt from the CAD records provided by the YPD Dispatch related to the officer-involved critical incident.

## Comments: 8

09:13:25 10/12/2023 - Berry, Keisha  
WPH2 data. Phone: [REDACTED], UNC: 0, Lat: 41.05579, Long: -80.659346  
09:13:54 10/12/2023 - Berry, Keisha  
bald b/m just came from her sons house  
09:14:01 10/12/2023 - Berry, Keisha  
her son is incarcerated  
09:14:17 10/12/2023 - Berry, Keisha  
the b/m poss went through back yards  
09:14:28 10/12/2023 - Berry, Keisha  
he came out of the house in black  
09:14:34 10/12/2023 - Berry, Keisha  
the gate is messed up  
09:14:50 10/12/2023 - Berry, Keisha  
ernesto is her sons name  
09:15:01 10/12/2023 - Berry, Keisha  
no vehs here  
09:15:17 10/12/2023 - Berry, Keisha  
shes in a silver impala  
09:58:10 10/12/2023 - Ware, Janice  
0942 EMT dispatched ...and advised to expedite  
09:58:13 10/12/2023 - Martini, Robert  
09:39 AM 206A REQUESTING ADDITIONAL UNITS  
10:00:14 10/12/2023 - Martini, Robert  
09:41 AM 206A OFC GIOVANNI ADVISED SHOTS FIRED , REQUESTED 55 TO THE SCENE.  
10:01:14 10/12/2023 - Martini, Robert  
EMT NOTIFIED TO STEP UP RESPONSE  
10:02:23 10/12/2023 - Martini, Robert  
09:50 AM CAPTAINS OFFICE ADVISED CRIME LAB AND THE SHOOTING TEAM WERE IN ROUTE  
10:15:34 10/12/2023 - Martini, Robert  
102A SGT MARCIANO REQUESTED RADIO TO CALL THE CORONER OFFICE AND GAVE THEM HIS

## Autopsy Records:

On Tuesday, February 14, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley) received an email which contained the autopsy report from the Cuyahoga County Coroner's Office for Ricco Acevedo (Acevedo).

The information deemed to be the most relevant to this inquiry is summarized below for the convenience of the reader. However, as the author is not a doctor, it is suggested that the report be viewed in its entirety to ensure no pertinent information has been omitted or described out of context.

SA Tingley reviewed the autopsy report and noted the following:

The "REPORT OF AUTOPSY" SECTION of the report listed the following relevant information: An autopsy was performed by

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Kaitlin Weaver, D.O. on October 13, 2023, at 0910 hours at the Cuyahoga County Medical Examiner's Office.

ANOTOMIC DIAGNOSES:

CAUSE OF DEATH:

The "TOXICOLOGY" SECTION of the report listed the following relevant information:

EVIDENCE COLLECTED The following items of evidence were collected by the Cuyahoga County Coroner's Office and were released to BCI SA Goudy who took the items of evidence and placed the evidence into the evidence room at the BCI Richfield Office.

Evidence items:

- one adhesive stub for gunshot residue examination from the hands one swab from under the fingernails of the right hand
- one swab from under the fingernails of the left hand two swabs from knuckles and palms of the right hand
- two swabs from knuckles and palms of the left hand two swabs from right wrist two swabs from left wrist
- two swabs from the neck
- one pair of black pants
- one pair of black with white trim underwear
- one blue calf length sock
- one blue calf length sock
- one right black shoe
- one left black shoe
- blood stain card
- buccal swabs
- reference pubic hair projectile (whole) from back

Please refer to the autopsy report for further details.

**Conclusion:**

On Thursday, October 12, 2023, YPD Officers were dispatched to 4312 Helena Avenue for a possible Prowler/Burglary. YPD Sergeant [REDACTED] was the first to arrive and contacted the complainant/caller at approximately 09:21 hours a short distance from 4312 Helena Avenue. Sergeant [REDACTED] then moved to 4312 Helena Avenue and contacted a Hispanic male (later identified as Ricco Acevedo). After speaking with Ricco Acevedo and getting personal identifying information from Ricco Acevedo, Sergeant [REDACTED] returned to his cruiser to run the information through the MDT.

At approximately 09:38 hours, Sergeant [REDACTED] returned to 4312 Helena Avenue, and contacted Ricco Acevedo who was

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standing with YPD Officers Giovanni and Hilliard. Sergeant [REDACTED] told Ricco Acevedo that the provided information did not return to anyone and asked Ricco Acevedo to repeat the information. Ricco Acevedo repeated the same information as earlier. Sergeant [REDACTED] decided to detain Ricco Acevedo and told Ricco Acevedo to place his hands on the wall.

At approximately 09:39 hours, Ricco Acevedo turned and ran into the residence followed by Sergeant [REDACTED] and Officer Giovanni. As Ricco Acevedo ran towards the staircase leading to the second floor of the residence, he called out that "I have a gun on me." multiple times. Ricco Acevedo reached and went up the staircase and went down the hallway at the top of the staircase. Sergeant [REDACTED] also went up the staircase but stopped at the top of the staircase and began covering the hallway.

Sergeant [REDACTED] then began speaking with Ricco Acevedo and tried to get Ricco Acevedo to drop the gun. However, Ricco Acevedo refused to comply. Ricco Acevedo then told Sergeant [REDACTED] that he had nothing to live for and did not trust the police. Ricco Acevedo then asked Sergeant [REDACTED] if he had ever shot anyone. Sergeant [REDACTED] replied yes, and Ricco Acevedo said "...you're going to have to shoot me because I am not going to jail."

At approximately 09:41:38, Ricco Acevedo said "At least three times."

At approximately 09:41:41, Sergeant [REDACTED] fired three rounds.

Medical attention was summoned for Ricco Acevedo with the ambulance arriving at approximately 09:46. The ambulance personnel began treating Ricco Acevedo. A two (2) person ambulance crew and a supervisor arrived at the residence from the Emergency Medical Transport company and began treating Acevedo. However, they soon announced that Acevedo had no pulse and began CPR.

The supervisor (Dobson) assisted with the treatment and approximately twenty (20) minutes after arriving, with Acevedo in cardiac arrest, the Dobson contacted Doctor Russell at Trumbull Memorial Hospital. Dobson gave Doctor Russell a description of the treatment Acevedo received and Acevedo's current condition. At approximately 1004 hours, Doctor Russell instructed Dobson to end the treatment for Acevedo.

### **Contact Information:**

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Tingley. Special Agent Tingley can be reached via email at [John.Tingley@OhioAGO.gov](mailto:John.Tingley@OhioAGO.gov) or by telephone at 216-218-2425.

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