



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



2024-1658
Officer Involved Critical Incident - 2212 Tryon Rd.,
Ashtabula, Ohio 44004

Emergency Lights: Yes	Partner: Small team assigned to the [REDACTED] armored vehicle
Siren: Yes	Spotlight: Not used
Assignment: [REDACTED]	Normal Shift: 5p-5a
Shift Day of Incident: 5p-5a	Duty Status: On Duty
Days Off: Monday Tuesday Saturday	Prior Overtime or Extra Details within Preceding 48 Hours: No
Hours of Sleep Prior to Incident: No hours given, stated slept until 10 am and also took a nap	Consider Self Well Rested?: Yes
Physical Disabilities (to include hearing aid): No	Corrective Lenses: Yes, Contact Lenses
Total Length as Officer: 11.5 years	Length at Current Agency: [REDACTED]
Previous LE Experience: [REDACTED]	OPOTC Certification: Yes
Military Experience/Training: [REDACTED]	Training or Areas of Specialty: Basic SWAT, Firearms instructor, room clearing, OTOA, plus 40 hours of SWAT
Use-of-Force Training: Monthly	CIT/SWAT/Force Science Training: 3 times per Month
Uniform Worn: Green uniform tactical pants and shirt with a plate carrier marked "SHERIFF"	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Helmet with electronic hearing, a vest, two rifle mags, radio, two pistol mags, a rifle mag, a rifle mag, a dump pouch, a medical kit, smoke grenade, multitool, and a handgun
Ballistic Vest: External Vest	Body Worn Camera: No
In-Car Camera: Yes, while driving to the scene	Other Recording Devices: No
Injuries: No	Equipment Damage: No
Prior Shooting Incidents: No	Prior Discipline or Use-of-Force Complaints: No

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Were you under the influence of any substances that would impair your memory or judgment at the time of the incident: No
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Officer's Firearm(s):

Weapon #1

Make: Daniel Defense	Model: DDM4
Caliber/Gauge: .556	Serial: [REDACTED]
Type: M4 rifle	Method of Carry: 27 Rounds in the magazine and one round in the chamber
Magazine Capacity: 30	Total Rounds as Carried (including chamber): 28
Extra Magazines: 3	Number of Rounds in Extra Magazines: 28
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 104	Number of Rounds Fired: 8
Right/Left-Handed Carry: Not asked, appeared to be right-handed by mannerisms during interview	Ownership: Department owned
Last Qualification Date: May 2024	Type of Holster, if any: N/A

SA Momchilov asked [REDACTED] if he could describe the incident, how he became involved and what actions he took.

[REDACTED] explained that he was working the road on patrol and responded to a call for assistance from the Active 911 app for a barricaded male in Saybrook Township, Ashtabula. Once at the meeting spot, [REDACTED] was debriefed by the SWAT commander Lt. Larry Harpster and assistant SWAT commander, Don Tichel. [REDACTED] explained that he and a few others were driven to the scene in a pickup truck where they met with Detective Evan Wolf (Wolf) of the Ashtabula County Sheriff's Office (ACSO). [REDACTED] advised that Detective Wolf stated "the reason they were there, he came out, presented a firearm to the neighbor and kids. When deputies arrived on the scene, he pointed the weapon at Deputies and then retreated back into the residence." (08:20)

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██████████ advised they got armored vehicles on the scene to relieve officers that were taking positions of cover behind their cruisers. One of the armored vehicles was positioned at the "1/2" corner (Northwest corner of the residence) and the other was at the "1/4" corner (Southwest corner of the residence). Once the armored vehicles were in position, they began giving verbal commands over a loudspeaker and SWAT was tasked with holding security on at the vehicles.

██████████ stated that other SWAT members on his team utilized less lethal at the residence to get a response from the occupant, but it did not work. After which, the SWAT team disconnected the power and gas to the residence while deploying a distraction device. ██████████ said that there was no indication anyone else was inside the residence and that he observed drone video while on scene through ██████████ phone.

The armored vehicle positioned at the southwest corner of the residence was utilized to break the front bay window, as it was one of the last places the occupant had been seen. ██████████ said that he and ██████████ could hear the occupant yelling from inside once the window was broken but could not see him continuously. ██████████ said, "a shot rang out and hit the front of the armor" (11:00) and "Um, so the, a round hit, the, uh, the armor, um, we ended up, they ended up ripping the front door off the house." (11:10) causing the occupant to go into hiding so ██████████ and ██████████ watched the video feed from drones being flown inside the residence.

██████████ explained that sometime after the gunshot to the armored vehicle, they then began to "introduce gas into the basement while he maintained security". They then used gas projectiles into the bedroom window on the southwest side of the residence. ██████████ advised "Uh, so when we were holding security, I always had my rifle pointed at that window. Zach was firing round, so he fired one gas round in no response. Gas started filled, he fired the second round in. And when the second round went in, the shotgun was fired and it went right past us, probably just in front of the truck." (12:19) SWAT retreated behind cover and then planned to use gas in a different part of the residence.

The other team had an equipment malfunction of the 40 mm gas launcher and ██████████ team had a backup 40mm launcher, so they drove the armored vehicle from the SW side to the armored vehicle on the NW side to give them the equipment while maintaining cover. As they were driving to the other armored vehicle, the occupant was seen crouched with a long gun, but then retreated further into the residence.

"So, at this point we get to the, we couldn't get head-to-head with the truck because we had that bre...the, the big breaching pole in the front of it. So, there was like a, a

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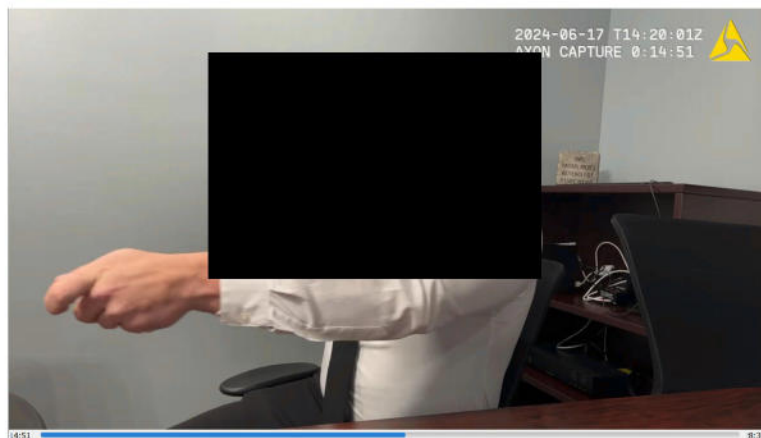
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maybe a 10-foot gap between the truck, um, a lake, a lake county narcotics guy, last name's Melita was the guy that was gonna run the equipment across." [REDACTED] continues "So he runs behind us and I'm, I'm over the hood of the, like, so right where that window is, I'm like over the hood just kind of holding that. There's a big bay window. Um, so I, he runs across, I hear them run, they're just, they do their thing and I hear someone yell, 'Hey, you're good to go.' So, I look briefly back like this, and as I'm turning my head, I still have my rifle oriented. As I'm turning my head, I see a barrel. He, it looked like he was pushing the blinds outta the way he had, there was long venetian blinds that were hanging. We couldn't get 'em removed, so we didn't have clear access into the window. I see the muzzle of the gun kind of look like this and he protrudes out. So, to face North, he comes out like this [REDACTED] demonstrated the actions of the male while pointing the shotgun at him shown below), shoulders the shotgun and he's leaning. So, if this is the windowsill, he kind of has his left butt cheek as if he's using it to prop him up. And he starts to lean and props and points right at that truck, the guy's over around that truck. And at that point, I mean, I was in fear that he was gonna kill somebody. He already, you know, shot at us numerous, you know, twice. Um, and I, and it was at that point I just started to fire. Um, and, uh, yeah. Until he, you know, we didn't see him anymore. Okay." (14:05)



[REDACTED] demonstrated how the subject was pointing the shotgun at officers)

SA Momchilov asked if there were people outside the armored vehicle at the time of the incident and [REDACTED] advised that he was positioned at the front hood with Melita and there were at least three others behind him. [REDACTED] further explained that when the subject pointed the firearm out of the window it was pointed at the same area of the officers and armored vehicle. When [REDACTED] fired his

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rifle at the subject, he stated that his point of aim was the subject's chin and the only part obstructed by the wall of the house was the lower three to four feet.

SA Momchilov asked about what specific information [REDACTED] was briefed on prior to the incident. [REDACTED] advised "we were told was that he walked out of his home with a shotgun, pointed at his neighbor's and pointed at the kids, the neighbor's kids. I don't, they didn't say if there was like an exchange. I know that it was not prompted by anything. There was no argument that they explained to us." (16:37 [REDACTED] also explained that Ashtabula Deputies were in the area when the initial call was dispatched and "from what the detective said is that he leveled the weapon at them, but never fired at the responding deputies and then ran back inside. Okay. Um, we tried, I mean, there, the entire standoff, we had tried numerous attempts to get ahold of him. He would, no, we had no phone number. We threw a, a throw phone in, he threw it back out the window. We tried to talk through a drone. He threw all the drones outta the window. They crashed so we were at, at least from my knowledge and what I observed, we had never at any point made contact with him." (16:59)

When asked about the subject's movements through the residence, [REDACTED] stated "he had always fired from a position of cover. He had never exposed himself to fire the gun. When he fired the gun of the truck, he was like almost two or three rooms back. Um, which made me just from like, my training, it makes me a little bit, you know, somebody might have some training that's not something that, that's common knowledge of how to shoot out of a house. Um, I picked up on that just from my [REDACTED] That's like, you know, if someone's shooting from with cover, within cover, that means that you're gonna have a hard time even hearing that gun or where the direction of it is." (21:51)

[REDACTED] advised that he felt his actions were consistent with his training and that nobody tried to influence his statement.

SA Momchilov asked, "Do you perceive he had any other option?" and [REDACTED] advised "I had no other option. He was going to kill someone if I didn't do something." (23:59)

[REDACTED] advised later in the interview that the subject was using a single barrel shotgun with slug rounds, identified by the pattern, when it hit the armored vehicle glass and when it exited the residence's bedroom window. [REDACTED] explained that a slug round fired from a shotgun can travel a hundred yards and officers were well within that range at approximately twenty to twenty-five yards.

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For further information, please refer to reference item D for the audio and video files of the interview.

References:

REF ITEM D - Involved Officer Interview [REDACTED]

Attachments:

1. 2024-06-17 Criminal Investigation Notification [REDACTED]

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Criminal Investigation Notification

1. You are advised that this investigation is being conducted in order to determine the presence or absence of criminal liability on the part of those involved in the 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 not in custody. 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. As such, you may refuse to answer questions from the criminal investigators; your statements are not being compelled under threat of adverse disciplinary action from your employer. This is not a "Garrity" interview (where you may be required to answer).

[Redacted Name]

Printed Name of Interviewee

6-17-24 1009AM
Date / Time

[Redacted Signature]

Signature of Interviewee

Jesse Bynum #179
BCI Agent (Printed)

Jesse Bynum
BCI Agent (Signature)