



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



2023-2730
Officer Involved Critical Incident – 4312 Helena Avenue,
Youngstown, OH 44512, Mahoning County

Investigative Activity: Body Camera Review
Involves: ██████████ (S)
Date of Activity: 10/30/2023
Author: SA John P. Tingley, #154

Narrative:

On October 30, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley) reviewed body-camera video footage from Youngstown Police Department (YPD) ██████████ (██████) ██████████ (██████). The video footage is related to the officer-involved critical incident which took place on October 12, 2023, in the area of 4312 Helena Avenue, Youngstown, Mahoning County, Ohio. The incident involved Ricco Acevedo and members of the YPD and resulted in the death of Acevedo.

The listed narrative is a synopsis of the activities and conversations recorded on ██████████ ██████████'s body camera and only document those activities which the author deems to be the most relevant. Furthermore, the narrative does not cover all of the activities or conversations of ██████████ ██████████ and the other members of the YPD which were recorded. Nor is the synopsis a word-for-word translation of the conversations or comments made by ██████████ ██████████ or other members of the YPD. It is suggested that the full recordings be reviewed to clarify any content or contextual questions regarding the information documented in the narrative.

SA Tingley reviewed the video recordings listed as AXON Body 3 X60A4997K and noted the following:

The video is 0:30:16 in length and begins at 09:20:40 as ██████████ ██████████ is driving. Initially, there is no audio.

At 09:21:02, ██████████ ██████████ stops.

At 09:21:07, ██████████ ██████████ exits his cruiser.

At 09:21:10, ██████████ ██████████ activates the audio on his body camera.

At 09:21:12, ██████████ ██████████ contacts Julie Woods (Woods) who is standing in her driveway at 4302 Helena Avenue. Elizabeth Cuevas (Cuevas) can be seen sitting in her vehicle which is parked in the driveway near the residence.

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

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

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

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



Acevedo shortly after being contacted by [REDACTED] [REDACTED]

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

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

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At 09:23:31, Acevedo asks [REDACTED] [REDACTED] if he wants to go into the residence to see the areas where the work is being done. [REDACTED] [REDACTED] then follows Acevedo into the residence and goes upstairs where Acevedo shows [REDACTED] [REDACTED] where work is being done in the bathroom.

At 09:24:43, as [REDACTED] [REDACTED] and Acevedo are walking back downstairs, [REDACTED] [REDACTED] asks Acevedo "When is the last time you saw him?" Acevedo responds, "I saw him about maybe a month ago."

At 09:25:09, both [REDACTED] [REDACTED] and Acevedo leave the residence through the front door.

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

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

At 09:26:02, [REDACTED] [REDACTED] tells Cuevas, "He is doing work for your son." Cuevas then asks Acevedo, "Who are you." Acevedo responds, "Rick." Cuevas then responds, "I don't know you."

At 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 09:26:41, Cuevas says that someone had recently broken out a window on the front door and gained entry into the residence where the unknown individual stole seven (7) bikes. Cuevas continued by saying that she was at the residence at 4312 Helena Avenue the day before and the lock on the gate was not then like it currently was.

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

At 09:27:53, [REDACTED] [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 09:29:44, [REDACTED] [REDACTED] and Acevedo exit the residence through the front door. Another YPD Officer (Ofc.) Dave Hilliard, is seen standing on the porch.

At 09:32:33, [REDACTED] [REDACTED] asks Acevedo for his identification. Acevedo states that he does not have his identification with him. [REDACTED] [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] [REDACTED] then returns to his cruiser to check the information through the Mobile Data Terminal (MDT) in his cruiser. Ofc. Hilliard remains with Acevedo.

At 09:35:02, [REDACTED] [REDACTED] enters his cruiser and begins entering the information given by Acevedo into the MDT. However, the information does not return as valid.

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

At 09:38:41, [REDACTED] [REDACTED] asks Acevedo to repeat the information that Acevedo had

previously given him. Acevedo repeats the same information. [REDACTED] then tells Acevedo that there is a problem as the provided information does not return to anyone.

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

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



Acevedo as he runs 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 [REDACTED] who has his firearm in his hand. Acevedo reaches the top of the stairs and goes down the second floor hallway. [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 [REDACTED] is leaning around

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the corner and the body camera is facing the wall and doorway at the top of the staircase.

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

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

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

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

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

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

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

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

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

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

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

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

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



First shot from [REDACTED] Shell casing visible to the right of the firearm slide. Shows position of [REDACTED] at the top of the staircase.

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

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

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

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

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

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

At 09:47:21, [REDACTED] tells YPD dispatch to notify the command staff and the shoot team.

The video then concludes as [REDACTED] turns off his body camera while standing in the front yard of 4312 Helena Avenue.

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This body camera video recording was attached as Reference Item B to this case file.

ADDITIONAL FACTORS FOR EVALUATING THE VIDEO RECORDINGS

There are numerous other factors that need to be considered when reviewing and evaluating the videos and audio recordings of this incident. Those factors are:

- Video recording devices record within the video and sound capabilities available and they record objectively. Video recordings lack the history, perspective and interest of the people involved. The positions, angles, obstacles, lighting and distance from the incident are also factors that need serious consideration.
- Video recording devices also record more information about a particular scene or incident than the person(s) involved in the incident can process during the critical incident. Video recording devices rarely record an event from the same perspective of the officer. It captures the action but not the perception, decision making, focus or intent of the officer.
- Video recordings often miss tactile cues or other actions of a subject. The speed of the incident is remarkable. The speed and complexity of rapidly evolving situation(s) that occur during use of force encounters are difficult concepts to comprehend by only watching the video