



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



2023-2941

Officer Involved Critical Incident - 5230 Douglas Drive,
North Olmsted, Ohio 44070

Investigative Activity: Witness Officer Interview
Activity Date: November 20, 2023
Activity Location: Ohio Patrolmen Benevolent Association – North Royalton,
Ohio
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On November 20, 2023, at approximately 0909 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Armstrong (Armstrong) and SA Andrew Harasimchuk (Harasimchuk) interviewed Westlake Police Department (WPD) [REDACTED] [REDACTED]. [REDACTED] [REDACTED] was accompanied by Tom Austin – Executive Director of the Ohio Patrolman Benevolent Association (OPBA), Attorney Daniel Leffler of the OPBA, and WPD Officer and Union Representative Richard Dudas (Dudas). The interview took place in a conference room at the OPBA Office, 10147 Royalton Road # J, North Royalton, Ohio. The interview was audio and video recorded and the audio recording has been attached to this report. The video recording was titled *2023-11-20 [REDACTED] [REDACTED] Interview* and has been stored on evidence.com.

[REDACTED] [REDACTED] was identified as a WPD officer who witnessed and/or had some level of involvement in the November 4, 2023, officer-involved shooting which occurred in the area of 5230 Douglas Drive, North Olmsted, Ohio. [REDACTED] [REDACTED] did not discharge a firearm during the incident. The purpose of the interview was to obtain all relevant information known or observed by [REDACTED] [REDACTED] at the time of the incident.

Prior to the interview [REDACTED] [REDACTED] and Attorney Leffler reviewed the BCI Criminal Investigation Notification Form. [REDACTED] [REDACTED] indicated he understood the form and signed it.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation. It does not purport to contain all of the 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. It 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 obtained during the interview. Time references included in this report correspond with the video recording.

Throughout the interview, [REDACTED] [REDACTED] provided the following information:

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██████████ has been a police officer for approximately 8 years. He has been employed with WPD for almost one (1) year. On November 4, 2023, he was wearing his police uniform with an external vest. He considered himself to be well represented as a police officer during the incident.

██████████ was part of a two-man unit with ██████████ ██████████ in marked WPD cruiser #██████████ ██████████ was the driver, and he was the passenger. ██████████'s radio call sign was ██████████. He had no prior encounters with the involved subject or the address where the incident occurred.

██████████ was assigned a body worn camera (BWC), but he was not wearing it at the time of the incident. It was in a dock in the sergeant's office at WPD when the incident occurred. He did not have any other recording devices on his person.

██████████ had reviewed the involved North Olmsted officer's BWC footage and his partner, ██████████, BWC footage approximately five (5) times prior to the interview.

On November 4, 2023, ██████████ was in briefing at the WPD between 0100 hours and 0200 hours. While there he heard North Olmsted officers being dispatched over the radio for an attempted murder. A male who was beaten up and bloody had gone to a neighbor's house saying someone was trying to kill his uncle. He and ██████████ entered their cruiser and began driving to the location on ██████████ in North Olmsted. As they were getting closer, He heard two North Olmsted officers on the radio. One of the officers asked the other "did you hear that?" The other officer said "Yes. It sounded like a gunshot to me." As they arrived on ██████████ the officers were radioing there was smoke coming out of the house. He could see smoke billowing out into the street. A North Olmsted officer then radioed there was a male running out of the house and he was running west.

██████████ looked at him and said, "Oh they're coming right towards us" (07:44). He could then hear twigs snapping and officers were yelling commands to stop. They exited their cruiser and made their way straight through a yard from their cruiser. He followed ██████████ through the yard to a shed and a fence. ██████████ took up the space between the shed and the fence and was focused on where the suspect and the North Olmsted officer were. At that time ██████████ was unable to see where the suspect was but could tell he was somewhere down in the brush because the North Olmsted Officer was communicating with the suspect.

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While [REDACTED] [REDACTED] stood in the space between the shed and the fence, [REDACTED] [REDACTED] began moving to his right toward the shed. As he did, he heard the first gunshot. He was unsure if the suspect saw [REDACTED] [REDACTED] or had fired at the North Olmsted officer. [REDACTED] [REDACTED] then stumbled behind the shed and heard "a bunch more rounds go off" (09:43). It was dark and he was unsure how many gunshots he heard or if the suspect was firing at them or the North Olmsted officer.

[REDACTED] [REDACTED] then realized [REDACTED] [REDACTED] had not gone down. Initially he thought the suspect was running but he realized [REDACTED] [REDACTED] was still looking at the suspect. He also heard the North Olmsted officer say he had been hit. [REDACTED] [REDACTED] then repositioned to the other side of the shed and made his way through some brush to the North Olmsted officer. The officer told him he was shot in the arm and may have said he was shot in the chest too. The officer had already applied a tourniquet to his arm.

[REDACTED] [REDACTED] moved to the front of a house with the injured officer. Another Westlake officer arrived and assessed the North Olmsted officer's injuries while [REDACTED] [REDACTED] provided security. [REDACTED] [REDACTED] said he knew there was another involved subject somewhere, the house was fully engulfed in flames, and he could hear more gunshots going off in the area. Westlake officers then transported the North Olmsted officer to the hospital in a cruiser and [REDACTED] [REDACTED] returned to the scene of the shooting.

When he returned, the officers present were trying to determine exactly where the suspect was because he was down in some bushes. [REDACTED] [REDACTED] retrieved a shield, and the officers were able to move in, knock down the fence and get the suspect out of the bushes. [REDACTED] [REDACTED] then assisted in administering CPR to the suspect.

[REDACTED] [REDACTED] explained after the first gunshot, there was a slight pause followed by numerous gunshots. He was unable to identify who was firing. He did not see either of the officers or the suspect firing. He believed the North Olmsted officer was on the other side of the shed because he could hear his voice, but he could not see him.

Regarding the additional gunshots heard while providing security for the injured officer, [REDACTED] [REDACTED] knew the gunshots were not coming from the area of the shed and the suspect. He said they were coming from the direction of the house fire and later suspected the sound of that gunfire was related to ammunition present in the house fire.

While administering aid to the suspect, he saw a pistol on the ground near the suspect's feet. The suspect was also wearing a black mask over his face. He described it as a spandex or panty hose type of material.

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When he heard the first gunshot he felt "Pretty helpless". He feared for the safety of all the officers present and the surrounding residents.

Attachments:

- 2023-11-20 Signed Criminal Invest Notification - [REDACTED]
- 2023-11-20 Audio Recorded Interview of [REDACTED]

Reference Items:

- Item E - Video Recorded Officer Interviews

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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).

Printed Name of Interviewee

11/26/23 0900
Date / Time

Signature of Interviewee

Andrew HARRIS
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)