



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: Officer David Hilliard (W)
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) Officer (Ofc.) David Hillard (Hilliard). The video footage is related to the officer-involved critical incident which took place on October 12, 2023, at 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 Ofc. Hilliard's body camera and only documents those activities which the author deems to be the most relevant. Furthermore, the narrative does not cover all of the activities or conversations of Ofc. Hilliard and the other members of the YPD which were recorded. Nor is the synopsis a word-for-word transcription of the conversations or comments made by Ofc. Hilliard 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 X60As4233M and noted the following:

The video is 0:30:16 in length and begins at 09:27:51 as Ofc. Hilliard is driving. Initially, there is no audio.

09:28:18, Ofc. Hilliard stops his cruiser.

09:28:21, Ofc. Hilliard exits his cruiser.

09:28:27, Ofc. Hilliard contacts Elizabeth Cuevas (Cuevas). Cuevas tells Ofc. Hilliard that Sergeant (Sgt.) [REDACTED] is at the residence at 4312 Helena Avenue with the subject (Ricco Acevedo).

09:29:15, Ofc. Hilliard begins walking towards 4312 Helena Avenue.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

09:29:35, Ofc. Hilliard arrives on the porch at 4312 Helena Avenue where he contacts YPD Sergeant (Sgt.) [REDACTED] and Acevedo. Shortly thereafter, Acevedo enters the residence through the front door while Sgt. [REDACTED] and Ofc. Hilliard remain outside. Sgt. [REDACTED] advised Ofc. Hilliard that Acevedo cannot find the key to the residence.

09:32:32, Sgt. [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 [REDACTED]

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

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

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

At 09:35:08, Ofc. Hilliard asks Acevedo which door Acevedo used to enter the house. Acevedo replied, "Front door."

At 09:35:25, Acevedo tries keys on the back door lock. However, none of the keys unlock the back door.

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

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

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



Acevedo running into the residence.

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

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

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

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

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

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

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



Ofc. Hilliard's view when shots are fired.

At 09:42:03, Sgt. [REDACTED] moves in and handcuffs and searches Acevedo.

At 09:43:15, another YPD officer arrives upstairs at the top of the staircase.

At 09:43:33, Sgt. [REDACTED] leaves the second floor.

At 09:44:30, Ofc. Giovanni calls for someone to bring him latex gloves.

At 09:45:21, Ofc. Giovanni says Acevedo is not breathing anymore.

At 09:46:13, an unknown Officer says that Acevedo is still breathing. Ofc. Giovanni then begins first aid.

At 09:48:05, the ambulance crew, consisting of a Paramedic and an Emergency Medical Technician, arrive and begin treating Acevedo.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

At 09:49:31, a second Paramedic arrives and begins assisting with the treatment of Acevedo.

At 09:49:59, Ofc. Giovanni leaves by going down the staircase.

At 09:51:53, Ofc. Hilliard goes down the staircase to the first floor.

At 09:52:22, Ofc. Hilliard asks Ofc. Giovanni if Acevedo said that Sgt. [REDACTED] would have to shoot him because he (Acevedo) was not going back to jail. Ofc. Giovanni says that Acevedo said that a couple of times.

At 09:52:35, both Ofc. Hilliard and Ofc. Giovanni go back upstairs.

At 09:55:22, Ofc. Hilliard turns off the audio on his body camera. However, the video recording remains on.

At 10:00:08, Ofc. Hilliard goes down the staircase.

At 10:00:41, Ofc. Hilliard exits the residence.

At 10:01:11, Ofc. Hilliard enters the residence through the front door. Ofc. Hilliard then returns to the second floor.

At 10:06:36, Ofc. Hilliard goes down the staircase.

At 10:06:52, Ofc. Hilliard exits the residence.

The video then ends as Ofc. Hilliard is standing in the front yard at 4312 Helena Avenue.

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.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.