



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



2021-0888
Officer Involved Critical Incident – 500 South Cleveland Ave.,
Westerville, Ohio 43081 (L)

Investigative Activity: Interview with Subject
Involves: Officer Andy Howe (S)
Date of Activity: 04/26/2021
Activity Location: Harshman, Cathrine – Business – 3360 Tremont Rd., 2nd Floor,
Columbus, OH 43221, Franklin County
Author: SA James A. Mulford, #39

Narrative:

On Monday May 10, 2021, at approximately 1122 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents Jim Mulford (SA Mulford) and Andrew Russell (SA Russell) interviewed Columbus Division of Police (CPD) Officer Andrew Howe (Officer Howe) in response to an Officer Involved Critical Incident (OICI). The purpose of the interview was to obtain all relevant information of the incident known or observed by this individual. Also present for the interview was Officer Howe's union attorney, Kate Harshman.

On April 12, 2021, an OICI occurred at Mount Carmel St. Ann's Hospital in Westerville, OH. An altercation happened between Miles Jackson (Jackson) and officers from the Columbus Division of Police, Westerville Police, and St. Ann's Security Department. Jackson died as a result of gunshot wounds from this incident.

This interview was audio recorded, and a copy of the recording was saved electronically within the case file. Please refer to the recording for specific quotes. The following is a summation of the interview.

Prior to beginning the interview, SA Mulford provided Officer Howe with a BCI "Criminal Investigation Notification" form. SA Mulford advised BCI was conducting a criminal investigation separate from any internal investigation that CPD may be conducting. Officer Howe was told his interview was voluntary and that he could stop answering questions at any time. Officer Howe verbally confirmed he understood the contents of the form and signed the document further acknowledging his understanding. A copy of the signed Criminal Investigation Notification (CIN) is attached to this report.

Attorney Kate Harshman provided SA Mulford with a written statement from Officer Howe regarding the OICI. Agent Mulford reviewed the statement upon receipt. Furthermore, SA

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Mulford provided a printed scene sketch of the OICI scene to reference throughout the interview. Officer Howe signed his statement provided to BCI, and he verified the statement was a true and accurate depiction of the OICI incident. Please refer to Officer Howe's statement for further details. A copy of the signed written statement and the sketch was saved within the case file and is attached to this report.

SA Mulford asked Officer Howe a few follow up questions and had him confirm where he fired his weapon based on the printed scene sketch. Officer Howe's answers appeared to be consistent with his written statement.

Officer Howe confirmed he and CPD Officer Ryan Krichbaum (Officer Krichbaum) were dispatched to the hospital to take custody of Jackson from Westerville police officers. He stated he assumed WPD initially patted down Jackson to check for weapons. Officer Howe stated Jackson was compliant throughout the day until they attempted to search him prior to transport. At that time, Officer Krichbaum found what was believed to be a handgun hidden in Jackson's underwear. Jackson failed to comply with their verbal commands leading to an altercation and ultimately a shooting. Officer Krichbaum used hand strikes and a drive-stun taser technique that were both in effective in obtaining compliance from Jackson.

Officer Howe wrote in his statement, "The suspect was pressed against the bed on his stomach and I tried to grab his right arm. The suspect had his right hand in his pants, I believe on the gun. At that point, the suspect began to struggle. We told him to let go and to put his hands behind his back. He yelled that we were grabbing at his private area and to stop it. He would not comply. During the struggle, I could feel his hand on the weapon, and attempted to keep him from pulling out his right arm, which was underneath him. He kept his hand on his weapon, would not remove his hand from his weapon, or put his hands behind his back. I reached for my taser, but saw that Officer Krichbaum already had his in his hand. I continued to try to keep the suspect's right arm, which was still holding the weapon, still. Officer Krichbaum drive-stunned the suspect in the back area several times with his taser. I am unsure of how many times, but I know I was stunned at least once either through my continued contact with the suspect or because I was too close to the taser. The suspect continued to struggle. We all fell to the floor and a shot was fired. Neither Officer Krichbaum nor I had our weapons drawn at this point. Once the shot went off, I pulled my weapon and as I got up off the floor, I fired at least once. I could see Officer Krichbaum place distance between the suspect and himself as he backed out of the door. My gun jammed when I fired. I retreated to the opposite corner (furthest corner from the door to the left of the doorway), as I attempted to clear my gun. I had to drop my magazine and reload another. At this point, I did not fire any more at the suspect. The suspect was on the ground, opposite corner (corner closest and to the right of the door), diagonal from me. I did not have a full view of him because the bed in the middle of the room was between us. The suspect was facing away from me on his right side with his feet towards the door."

Officer Howe also wrote, "I could hear officers talk about tasing the suspect. Eventually, I heard the taser pop and saw the taser wires come towards the suspect. I do not believe I saw the wires hit the suspect, though I heard the taser fire. Very closely thereafter, I heard another gunshot. I thought I heard someone say "gun" and I fired at the suspect 1 or 2 times. I heard multiple rounds come in and I retreated further into the corner, so I would not be hit by cross fire."

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Officer Howe stated he did not believe he had any other reasonable alternative other than to use deadly force to protect his fellow officers, hospital staff, and himself. He believed their lives were in imminent danger of being severely wounded or killed as the suspect discharged his weapon and repeatedly refused to comply with commands.

Officer Howe had no further information.

Attachments:

- Attachment # 01:04-26-21 Andrew Howe Interview
- Attachment # 02:Officer Andrew Howe Signed CIN Form
- Attachment # 03:Officer Andrew Howe Signed Statement
- Attachment # 04:Officer Andrew Howe Scene Sketch



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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).

ANDREW C. HOWE
Printed Name of Interviewee

4/26/21
Date/ Time

Andrew C. Howe
Signature of Interviewee

Jim Mulford
BCI Agent (Printed)

[Signature]
For Attorney

[Signature]
BCI Agent (Signature)

STATEMENT OF OFFICER ANDREW HOWE, BADGE #699

This statement is regarding my involvement in an incident that occurred Monday, April 12, 2021 between 1:00p and 2:30p.

My date of hire as a police officer with the Columbus Division of Police is December 19, 2005. My regular assignment is Patrol, Zone 1 Day Midwatch. I have been in that assignment for approximately five (5) years. My regular duty hours are 9a-7p, normally with Thursday, Friday, and Saturday off. On Monday April 12th, I was assigned to Zone 1 Day Midwatch in Cruiser 9060. I had no partner.

At the time of the incident, I was dressed in the patrol uniform of the day. I was armed with a department-issued Smith and Wesson M&P 9mm with standard department-issued ammunition and no light. I was current in my range qualification with my weapon. I was not carrying any backup weapons.

I was in good health at the time of this incident. I was not taking any medication that would in any way affect my ability to carry out my responsibilities and duties as a police officer. I had consumed no alcohol or drugs in the twenty-four (24) hour time period prior to this incident, nor had I worked any special duty. I was not under any unusual stress. I do not wear a hearing aid, nor do I have any problems with my hearing. I sometimes wear low prescription glasses and I was not wearing my glasses during the incident.

On April 12th at approximately 12:44p, I was dispatched to St. Ann's to transfer custody on a suspect with Columbus warrants from Westerville Police to Columbus. At the time, I believe that domestic violence and assault warrants were mentioned, but I did not know any specific warrants, nor had I verified any warrants. I arrived at St. Ann's in Westerville at approximately 1:08p and went to Room 9. I was the first Columbus Officer to arrive. I meet with the two (2)

Westerville Officers, I do not know their names, and they gave me a brief summary of how they came in contact with the suspect. They said he had been found in a Chase Bank parking lot. They had discovered that he had previously walked away against medical advice from St. Ann's previously that day, and that Narcan had been used on his medic transport. They stated he had been non-combative. They said he had several warrants from Columbus or Franklin County.

There was a door from which I entered the room that faced a nurses' station. Room 9 is a small room approximately 10 feet by 20 feet with the shorter width being the wall that included the door. He was standing in the corner of the room uncuffed when I arrived. I handcuffed the suspect to bed that sat in the middle of the room by his left wrist. I do not know if they had arrested the suspect or told him about his warrants prior to my arrival. The Westerville Officers left. The suspect was relatively calm and non-combative. He did appear altered. I assumed that he was a high on something considering the medics had previously used Narcan on him. He stated his name was Miles. He was a black male wearing athletic pants and a gray sweatshirt. He wore a stocking cap. I did not search him at the time.

Approximately ten (10) minutes later, Columbus Officer Ryan Krichbaum arrived, and he relayed that the Westerville Officers had given him the suspect's information. Officer Krichbaum looked the suspect up in the computer system to verify the details of the warrants. He indicated that the suspect's warrants were for domestic violence, assault, resisting arrest, and I believe falsification. He said that there was some charge through Franklin County, but was unaware of the details of that warrant. I learned his name was Miles Jackson.

Because of the suspect's history that day, the hospital's staff wanted to observe him before releasing him. Again, it was my understanding he had previously been at St. Ann's earlier in the day, found by Westerville Police, and transported by medic back to St. Ann's. We waited with him

for approximately an hour. During this time, the suspect asked for food and water, which was brought by medical staff. I uncuffed his hand from the bed so that he could eat, and then I recuffed his left hand to the bed when he was finished eating. He asked for a cigarette several times. He repeatedly asked what was going on, what his charges were, and why he was going to jail. I looked up his charges on Franklin County Courtview and tried to explain them to him. He suggested several times that we should let him go, but he continued to be noncombative, generally calm, and compliant. He made no indications that he had a weapon.

At one point, medical staff indicated that his mother had been calling the hospital. His mother was attempting to get him further drug rehabilitation or mental health assistance after he was released from the hospital. The suspect wanted to call his mother, which we did not allow. Medical staff asked the suspect if it was ok that they released his medical information to his mother. I believe at some point that the staff person brought him a form, but I cannot remember if he signed it or not.

A little after 2:00p, the suspect was released, and we received his discharge paperwork so that we could transport him to jail. He was sitting on the hospital bed, still had his left hand handcuffed to the bed. We stood the suspect up and I held him steady (he was unsteady on his feet). We were all standing facing the medical bed. Officer Krichbaum was to the suspect's left, closest to the door and I was on his right. We were facing the wall to the right of the door when facing the nurses station. I believe at this point that we uncuffed him from the hospital bed. When Officer Krichbaum searched his pockets, I remember him finding some money, papers, cigarettes, and at least one bullet, which I thought was unusual. We placed his belongings into a plastic bag. Officer Krichbaum began to pat him down, searching his pants. He alerted me that there was gun in the suspect's pants, but I am not sure exactly how this information was relayed.

The suspect was pressed against the bed on his stomach and I tried to grab his right arm. The suspect had his right hand in his pants, I believe on the gun. At that point, the suspect began to struggle. We told him to let go and to put his hands behind his back. He yelled that we were grabbing at his private area and to stop it. He would not comply. During the struggle, I could feel his hand on the weapon, and attempted to keep him from pulling out his right arm, which was underneath him. He kept his hand on his weapon, would not remove his hand from his weapon, or put his hands behind his back. I reached for my taser, but saw that Officer Krichbaum already had his on his hand. I continued to try to keep the suspect's right arm, which was still holding the weapon, still. Officer Krichbaum drive-stunned the suspect in the back area several times with his taser. I am unsure of how many times, but I know I was stunned at least once either through my continued contact with the suspect or because I was too close to the taser.

The suspect continued to struggle. We all fell to the floor and a shot was fired. Neither Officer Krichbaum nor I had our weapons drawn at this point. Once the shot went off, I pulled my weapon and as I got up off the floor, I fired at least once. I could see Officer Krichbaum place distance between the suspect and himself as he backed out of the door. My gun jammed when I fired. I retreated to the opposite corner (furthest corner from the door to the left of the doorway), as I attempted to clear my gun. I had to drop my magazine and reload another. At this point, I did not fire any more at the suspect. The suspect was on the ground, opposite corner (corner closest and to the right of the door), diagonal from me. I did not have a full view of him because the bed in the middle of the room was between us. The suspect was facing away from me on his right side with his feet towards the door. He had his left hand up in the air. I could not see his right hand. I did not have any cover, except for the bed.

There were instructions being given from multiple directions, including from myself, telling the suspect to let go of the gun and to put his hands up. Officer Krichbaum yelled at me to make sure I was ok. There were several minutes of giving directions. At this point, I did not see any other officers, but I could hear them. I had my weapon trained on the suspect. I was attempting to maintain a good line of sight, but I did not want to draw the suspect's attention. The suspect kept saying he had already let go of the gun, but would not show his right hand. I knew he could turn to face me at any moment, and I was very concerned about the possibility of him shooting the officers or perhaps medical staff outside the door.

I could hear officers talk about tasing the suspect. Eventually, I heard the taser pop and saw the taser wires come towards the suspect. I do not believe I saw the wires hit the suspect, though I heard the taser fire. Very closely thereafter, I heard another gunshot. I thought I heard someone say "gun" and I fired at the suspect 1 or 2 times. I heard multiple rounds come in and I retreated further into the corner, so I would not be hit by cross fire.

Officers entered the room to secure the suspect. I did not recognize the officers, but they were all in blue. Several officers approached me to see if I had been hit. They helped look for any possible wounds, untucking my shirt and vest. I was uninjured. Other officers put the suspect on the gurney, and he was removed from the room.

Thereafter, I left the scene with Officer Dianna Heinzman, who drove me to the Fraternal Order of Police (FOP), Lodge 9 building that is only a few miles from the hospital. My officer support was Scott Leroy. When I arrived there, I noticed a bullet hole in my undershirt on my left arm close to my shoulder when I took my uniform shirt and vest off to cooldown. I then saw that my uniform shirt was also damaged, and had two holes in the left sleeve that appeared to be entrance and exit wounds from a bullet. I had no damage to my skin.

I believe I fired a total of between 2 and 4 rounds, though I am unsure because of my gun malfunction. I was approximately 3 feet from the suspect when I fired the first time, 1 to 2 times. At the time I fired the first time, the suspect had been told multiple times to drop his weapon and he refused. He had been drive-stunned several times by Officer Krichbaum's taser, and continued to not comply. We fell to the ground and a shot was fired by the suspect. I fired at the suspect's center mass while he was on the ground as I stood and backed away to provide distance between us.

The second time, I believe I fired 2 to 3 times. I was approximately 6-8 feet from the suspect. I fired from a standing position over the gurney in the middle of the room. I was aiming at the suspect's head and shoulder area. My backdrop was the wall to the right of the door. I fired after officers had repeatedly told the suspect to drop his weapon and put both hands on his head. Another shot had been fired by the suspect, before I returned fire.

I did not believe that I had any other reasonable alternative other than to fire to protect my fellow officers, hospital staff, and myself, as our lives were in imminent danger of being killed or severely wounded as the suspect discharged his weapon twice and repeatedly refused to comply with directions.

I do not recall ever having any prior interactions with the suspect, either professional or personal.

After review of the body worn camera footage, it appears as if I got his right arm free from his pants at some point during our initial struggle, but he kept resisting even after being tased and putting his hand back in his pants towards the weapon. It also appears that we uncuffed the suspect prior to standing him up from the bed and turning him around to search him.

Andrew Howe #699

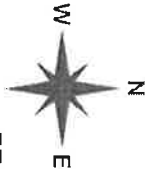
ANDREW HOWE, BADGE #699

JA

2021-0888

Ohio Bureau of Criminal Investigation
SA Aja Chung

500 S. Cleveland (St. Ann's Hospital)
Westerville, OH
April 12, 2021



***Not to scale**

