



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: Interview with Officer
Involves: Sgt. [REDACTED] (S)
Date of Activity: 10/19/2023
Author: SA John P. Tingley, #154

Narrative:

On Thursday, October 19, 2023, at approximately 0959 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley) and SA Jack Shea (Shea) interviewed Youngstown Police Department (YPD) Sergeant (Sgt.) [REDACTED] ([REDACTED]) who was accompanied by Thomas Hanculak (Hanculak), attorney from the Fraternal Order of Police (FOP) Ohio Labor Council (OLC). The interview took place at the Attorney Hanculak's office which is located at 1360 SOM Center Road, Cleveland, Ohio. The interview was audio recorded.

SA Tingley presented Sgt. [REDACTED] with the BCI Criminal Investigation Notification form which Sgt. [REDACTED] read, understood, and signed.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all 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 and may not be reflective of the actual sequencing of questions nor is it a word-for-word translation of either the questions or answers. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

Preliminary and Demographic Information Worksheet:

NAME: [REDACTED]	RANK: Sergeant
BADGE NUMBER: [REDACTED]	CRUISER/VEHICLE NUMBER: [REDACTED]
RADIO CALL SIGN: [REDACTED]	IMMEDIATE SUPERVISOR: Lieutenant Rutherford

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RADIO CHANNEL UTILIZED: YPD Primary	MOBILE DATA TERMINAL: Yes
CRUISER DESCRIPTION: YPD Marked Cruiser	OCCUPANTS OF CRUISER AND SEATING POSITIONS: Sole Occupant
ASSIGNMENT: Patrol	NORMAL SHIFT: 0530 – 1330
IN-CAR CAMERA: No	SPOTLIGHT: Yes
EMERGENCY LIGHTS: Yes	SIREN: Yes
SHIFT DAY OF INCIDENT: 0530 – 1330	DUTY STATUS: On-Duty
DAYS OFF: Thursday and Friday	PRIOR OVERTIME OR EXTRA DETAILS WITHIN PRECEDING 48 HOURS OF INCIDENT: Overtime on the day of the incident
HOURS OF SLEEP PRIOR TO THE INCIDENT: 8	CONSIDER SELF WELL RESTED AT THE TIME OF THE INCIDENT: Yes
TOTAL LENGTH AS OFFICER: 29+ years	LENGTH AT CURRENT AGENCY: 29 years
PHYSICAL ISSUES (TO INCLUDE HEARING AIDS): None	CORRECTIVE LENSES: No
UNIFORM WORN: YPD Patrol. Blue Shirt with YPD Shoulder patches, Blue pants, External Vest Carrier with YPD Badge	EQUIPMENT AND LESS-LETHAL OPTIONS CARRIED ON PERSON/BELT/VEST: Radio, Taser, Pepper Spray, Flashlight, Weapon
BALLISTIC VEST: Yes. External	BODY WORN CAMERA: Yes
OTHER RECORDING DEVICES: No	PARTNER: No
INJURIES: Hearing	EQUIPMENT DAMAGE: No
TRAINING OR AREAS OF SPECIALTY: FTO/Drone Unit	OPOTC CERTIFICATION: Yes
MILITARY EXPERIENCE/TRAINING: No	USE-OF-FORCE TRAINING: Yes. Annual
PRIOR SHOOTING INCIDENTS: Yes (two) June 2000 and June 2001	PRIOR DISCIPLINE OR USE-OF-FORCE COMPLAINTS: No
MEDICATIONS, PRESCRIPTIONS, OR DRUGS THAT MIGHT IMPAIR YOUR DUTIES AT TIME OF THE INCIDENT: No	MEDICATIONS, PRESCRIPTIONS, OR DRUGS THAT MIGHT IMPAIR YOU NOW FOR THE INTERVIEW: No
ALCOHOL IN THE PAST 24 HOURS: No	LAST CONSUMED ALCOHOL PRIOR TO THE INCIDENT: Week earlier

Officers Firearms/s

MAKE: SigSauer	MODEL: P 320
CALIBER/GAUGE: 9MM	SERIAL #: Unknown
TYPE: Semi-Auto Pistol	METHOD OF CARRY: Holster on belt
MAGAZINE CAPACITY: 17	TOTAL ROUNDS AS CARRIED ON PERSON (INCLUDING CHAMBER): 52
EXTRA MAGAZINES: 2 17 round on	NUMBER OF ROUNDS IN EXTRA

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person and 2 10 round in bag in cruiser	MAGAZINES ON PERSON: 34
DISCHARGED DURING INCIDENT: Yes	PRIMARY OR BACKUP WEAPON: Primary
ROUNDS REMAINING AFTER THE INCIDENT: Unknown	NUMBER OF ROUNDS FIRED: Three
RIGHT/LEFT HANDED CARRY: Right	OWNERSHIP OF WEAPON: YPD
LAST QUALIFICATION DATE: Unknown	TYPE OF HOLSTER (IF ANY): Level III

After getting the preliminary and demographic information from Sgt. ██████ SA Tingley asked Sgt. ██████ to describe the incident in detail including the nature of the initial call that he was dispatched to at 4312 Helena Avenue, Youngstown, Ohio.

Sgt. ██████ advised that he was dispatched to 4312 Helena Avenue, Youngstown, Ohio, for a 'prowler' who was going in and out of the residence. Sgt. ██████ arrived in the general area first and as he was driving towards 4312 Helena Avenue, he was motioned over by two (2) females standing in a driveway two (2) houses north of the residence at the incident location. One (1) of the females identified herself as Elizabeth Cuevas (Cuevas), the mother of the homeowner of 4312 Helena Avenue. The other female (Julie Woods) was identified by Cuevas as the owner of the residence where Sgt. ██████ was contacting them. Cuevas stated that she and Woods were watching the residence while the homeowner (Ernesto Cuevas) was incarcerated. She advised that she observed an unknown male walking around the residence.

Sgt. ██████ stated that he then moved towards 4312 Helena Avenue as the other YPD unit dispatched had arrived in the neighborhood. Upon arriving at 4312 Helena Avenue, he noticed a male standing in the driveway. Sgt. ██████ approached the male subject (later identified as Ricco Acevedo) and asked him if he lived there. Acevedo stated that he did not live at the residence but was doing work for the homeowner whom the subject knew was incarcerated. Acevedo then went with Sgt. ██████ into the residence and showed Sgt. ██████ different areas where work was being done on the second floor of the residence. After seeing the areas being worked on, Sgt. ██████ and Acevedo went back outside.

Sgt. ██████ advised that he then had Cuevas come to 4312 Helena Avenue. Cuevas stated that she did not know Acevedo and that to her knowledge he shouldn't be there. Cuevas further advised that some items had come up missing from the residence recently. Cuevas continued by advising that a small window on the door to the residence had been broken which would allow someone to gain entry into the residence.

Sgt. ██████ stated that upon arriving back at the front of the residence, he asked Acevedo if Acevedo had a key to the residence. Acevedo said he did and got a couple of keys from within the residence, none of which unlocked the door to the residence. At this point, Sgt. ██████ began to suspect that something was not right with Acevedo's story and he decided to get identification from Acevedo. Upon being asked, Acevedo gave Sgt. ██████ a name, date of birth, and social security number. By this time, YPD Officer Hillard had arrived on scene and Sgt. ██████ had Officer Hillard remain with Acevedo while Sgt. ██████ returned to his cruiser and checked the information given by Acevedo on the cruiser's mobile data terminal (MDT). However, upon checking the provided information on the MDT, there was no match for

the information given by Acevedo.

Sgt. ██████ advised that he then returned to Acevedo and asked him again for his identification. Acevedo then gave Sgt. ██████ a different date of birth and social security number. At this time, Sgt. ██████ decided to detain Acevedo. Sgt. ██████ told Acevedo to put his hands on the wall, however, Acevedo instead pushed past Sgt. ██████ and ran into the residence. As Acevedo was running into the residence and away from Sgt. ██████ he was saying "I have a gun."

Sgt. ██████ stated that he believed Acevedo had a gun. Sgt. ██████ proceeded into the residence after Acevedo with YPD Officer Giovanni (who had recently arrived on scene) behind him. Sgt. ██████ also called out to YPD Officer Hillard to cover the rear of the residence. However, Acevedo ran up the staircase to the second floor and Sgt. ██████ followed. Sgt. ██████ stopped at the top of the stairs where the staircase enters into the upstairs hallway. Sgt. ██████ looked around the corner and observed Acevedo in the hallway a short distance away. Acevedo turned around and said "I have a gun" and "I'm going to kill you" and "You're going to have to kill me." About this same time, Acevedo also identifies himself by name to Sgt. ██████ this time giving his correct name.

Sgt. ██████ advised that he then instructed Officer Giovanni to get more units enroute and to set up a perimeter around the house. Sgt. ██████ continued to try and engage Acevedo in conversation and Acevedo continued to say things to Sgt. ██████ including that he isn't going back and that he can't do this anymore. Acevedo then asked Sgt. ██████ if he has shot anyone before. Sgt. ██████ replies yes and Acevedo says "You are going to have to shoot me" and "You're going to have to kill me." Sgt. ██████ told Acevedo to toss the gun and surrender as the situation is not that serious yet.

Sgt. ██████ stated that Acevedo then called out that he is coming out and to get ready. Shortly thereafter, Acevedo ran out of the room he was inside and begins moving towards Sgt. ██████ while trying to get something out of his waistband. Acevedo then began to pull what appeared to Sgt. ██████ to be a chrome revolver from his waistband.

Sgt. ██████ advised that at this time he fired his weapon and Acevedo went down. However, Acevedo was still moving and trying to point the object in his hand at Sgt. ██████. Accordingly, Sgt. ██████ fired again. Acevedo then quit moving and Sgt. ██████ observed an object lying on the floor not far from where Acevedo was laying in the doorway to the bathroom. Sgt. ██████ initially believed it was a handgun, but when he looked closer, he realized that the object was not a gun.

Sgt. ██████ stated that he then has Officer Giovanni cover him as he approached Acevedo. Sgt. ██████ reached Acevedo and handcuffed and searched him. Sgt. ██████ then checked the room where Acevedo was laying in the doorway in order to make sure that there was no other person upstairs in the residence. Once the room was checked and the scene is secure, Sgt. ██████ has Officer Giovanni call for an ambulance for Acevedo.

Sgt. ██████ advised that shortly thereafter he left the residence and went to his cruiser and turned off his body camera.

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SA Tingley asked Sgt. [REDACTED] if he had watched any body-camera footage from either his or the other officer's body cameras. Sgt. [REDACTED] said "No."

SA Tingley then asked Sgt. [REDACTED] about the lighting conditions in the residence. Sgt. [REDACTED] stated that there were no lights on but that it was daylight outside and there were windows which provided some ambient lighting.

SA Tingley continued by asking Sgt. [REDACTED] why he fired his weapon. Sgt. [REDACTED] advised that he believed that Acevedo had a gun and that he believed Acevedo was going to shoot either himself or the other officers at the scene.

SA Tingley then asked Sgt. [REDACTED] that at the time of the shooting, did he perceive any other options other than the use of deadly force. Sgt. [REDACTED] replied "No."

SA Tingley then asked if Sgt. [REDACTED] believes that his actions in the use of deadly force was consistent with his training and experience. Sgt. [REDACTED] said "Yes."

SA Tingley continued by asking Sgt. [REDACTED] if he had any prior contact with Acevedo. Sgt. [REDACTED] replied "No."

SA Tingley finished by asking Sgt. [REDACTED] if he wished to add or change anything to his statement. Sgt. [REDACTED] said "No."

The interview was then concluded at approximately 1045 hours.

This interview was audio recorded. The audio recording and the signed BCI Criminal Investigation Notification form are attached to this report. Please review the attachment and audio recording for further details.

Attachments:

Attachment # 01: 2023-2730 YPD SGT [REDACTED] INTERVIEW

Attachment # 02: 2023-2730 [REDACTED] CRIMINAL NOTIFICATION FORM

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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).

[Redacted Name]

Printed Name of Interviewee

10/19/23 1000

Date / Time

[Redacted Signature]

JACK SHEA

BCI Agent (Printed)

s/A Jack Shea #65

BCI Agent (Signature)