



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



2021-1772

Officer Involved Critical Incident - 300 Wood Street Apt. A8, Mansfield,
OH

Investigative Activity: Interview with Officer Clay Blair
Activity Date: August 9, 2021
Authoring Agent: SA Cory Momchilov #64

On Monday, August 9, 2021, at 1034 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Andrew Harasimchuk interviewed Officer Mark Boggs (Boggs), who was accompanied by his attorney, Robert Sauter, from the Fraternal Order of Police. The interview took place at the Mansfield Police Department, located at 30 North Diamond Street, Mansfield. The interview was audio recorded.

Prior to the interview, agents were advised by Attorney Sauter that Officer Blair had prepared a typed statement, which a copy was provided to agents. It was decided that Officer Blair would read his typed statement to investigators, and afterward agents would ask any follow-up or clarification questions.

Officer Blair's typed statement is attached to this Investigative Report. The reader of this Investigative Report is strongly encouraged to read the typed statement in its entirety before reading the follow-up question section of this Investigative Report.

Also, prior to the interview, Officer Blair read, understood and signed the BCI Criminal Investigation Notification form.

Follow-up Questions

Officer Blair stated his radio call sign is 3219 or "19" and his badge is 313.

At the time of the incident, Officer Blair was driving a marked police cruiser that is equipped with emergency lights, sirens and a spot light. Officer Blair stated he did not utilize his emergency lights or sirens during the incident, and the radio channel utilized during the incident was the primary Mansfield Police Channel.

Officer Blair's cruiser was also equipped with a mobile data terminal that was only used to receive the CAD (Computer Aided Dispatch) information related to the call.

Officer Blair stated he has received CIT (Crisis Intervention Team) training approximately two months before this incident and does not have any prior discipline related to use of force.

Officer Blair does not have any physical disabilities, was not injured during this incident and his equipment was not damaged. Officer Blair also stated that he is not under the influence of any alcohol or drugs at the time of this interview.

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SA Momchilov asked Officer Blair if he conducted a round count of his weapon after the incident. Officer Blair stated that he did not. Officer Blair stated he believed he fired four shots while outside the apartment and an additional eight shots while inside of the apartment.

Officer Blair advised that his weapon is department issued and that he carries the firearm right handed. Officer Blair stated his firearm holster is a level II.

SA Momchilov asked Officer Blair if he knew if the 911 call he was originally dispatched to was related to this incident. Officer Blair stated he did not believe that it was but that it was possible.

SA Momchilov asked Officer Blair if he could describe the knife the individual had when they first encountered him outside of the apartment. Officer Blair responded, "I thought it was like, a long, a super long knife, that's it, maybe, it had blood on it."

SA Momchilov asked Officer Blair if he knew the distance between him and the individual with the knife when officers first encountered him. Officer Blair estimated approximately 15 feet.

Officer Blair advised that no other individuals were located inside of apartment A-8.

SA Momchilov asked Officer Blair if he came to some type of conclusion as to what had happened to Ginn. Officer Blair responded, "Um he told, as soon as we walked in, he just told, he stabbed, he stabbed me," and that he concluded that Haynes had stabbed Ginn.

SA Momchilov asked Officer Blair if he felt that Officer Boggs' Taser deployment made "good contact" with Haynes.

Officer Blair responded, "Oh yeah." Officer Blair explained that you could see "his arm hitch over," and that Officer Blair felt that Haynes fought through the Taser deployment and that he "was on something."

SA Momchilov asked Officer Blair if Haynes made any statement to officers. Officer Blair stated "No, it was like he was in his own zone." SA Momchilov asked Officer Blair if he felt that Haynes was concerned that the police were there. Officer Blair responded, "No, he just kept walking towards us."

SA Momchilov asked Officer Blair if he knew if his rounds struck Haynes when he initially fired outside of the apartment. Officer Blair stated, "So from my understanding, when I shot him, me and Boggs walk up past the window, I like checked in the window and he was just laying there. I looked inside the window, he was just laying there. So, I am thinking like, okay, I, I must of hit him, cause his feet were just like hanging out a little bit and then when we went inside, I just told

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Boggs to watch this side door because, I don't know, I just said hey he's in that room over there."

SA Momchilov asked Officer Blair if he thought Haynes was incapacitated at that point. Officer Blair responded, "Oh yeah, definitely thought he was." Officer Blair advised that is why he went straight to Ginn.

Officer Blair explained that he had located Ginn in the kitchen, behind the fridge "kind of like tucked behind it, so he was kind of like, hiding, and that's where he was and I walked back to him."

SA Momchilov asked Officer Blair if Haynes had the same knife in his hand when they encountered him inside of the apartment. Officer Blair responded, "Yes."

SA Momchilov asked Officer Blair how many times he reviewed the dash camera video of the incident that was published in the media. Officer Blair stated he watched the video "just a few, probably like three times." SA Momchilov asked Officer Blair if he felt that watching the video had any affect on his memory of what had occurred. Officer Blair stated it did not.

Officer Blair advised that he has not spoken with other officers in detail about what had occurred, and that no one has asked him to lie or otherwise try to influence his statement to investigators.

Officer Blair gave permission for agents to review any drug test results that Officer Blair submitted to after the incident. Officer Blair also gave permission for agents to obtain and review any reports or other documents he may be compelled to complete.

The interview with Officer Blair was audio recorded and that recording is attached to this Investigative Report. Also attached is the Ohio BCI Criminal Investigation Notification form.

Statement of Mansfield Police Officer Clay D. Blair
Regarding Incident of July 29, 2021

I was first employed as a Police Officer with the City of Mansfield Police Department (“MPD”) on November 14, 2019. I had no previous law enforcement experience prior to beginning my position of employment with the MPD.

I completed my Basic Police Officer Training at the North Central State College, Mansfield, where I graduated on May 5, 2019. I am OPOTA certified.

I am a graduate of Wooster High School, Wooster, graduating in 2014. I have an Associate’s degree in Construction Management from Hocking College, Nelsonville, where I graduated in 2017.

Since I began my employment at the MPD, I have held the rank of Police Officer. I primarily work patrol assignments. I am regularly assigned to second shift hours, 2:00 p.m. to 10:00 p.m. I work a variable schedule, with six days on and two days off. My regularly-assigned immediate supervisor is Squad Sergeant Jered Kingsborough, but on July 29, 2021 Sergeant Kingsborough was off work and Sergeant Toneli Webb was my immediate supervisor.

I do not wear prescription glasses or contacts. I take no prescribed medications.

I am familiar with the MPD Use of Force policy. I am regularly updated as to this policy. The last time I recall personally reviewing the Use of Force policy prior to the incident was in June, 2021 when the MPD had internal training relative to this policy.

My duty weapon is a Sig Sauer P320, 9mm, which is Department-issued. I did not have a back up weapon on my person on the date of the incident. I also carry an Axon Taser 7, which is Department-issued. I am current in my annual qualifications required for my duty weapon and for my Taser.

COB

On the date of the incident, July 29, 2021, I had one round in the chamber of my duty weapon and 17 rounds in my magazine. I also had two magazines (17 rounds each) on my outer carrier vest.

On the date of the incident, I was dressed in my regular MPD uniform. On my duty belt, I carried the following items (clockwise): my duty weapon on my right side and my handcuff case on my left side. On my outer carrier vest, I carried (from my left to my right): my radio, my Taser, two magazine pouches, and my handcuffs. My microphone pack was in my left chest pocket.

Prior to the incident, there was no instance when I had used lethal force or my Taser while a Patrol Officer at MPD.

On Tuesday, July 27, 2021, I worked my regularly assigned second shift with no overtime or special duty. On Wednesday, July 28, 2021, I worked special duty from 8:00 a.m. to noon at Catalyst Life Services – Rehab Center, Mansfield. On Thursday, July 29, 2021, I had no special duty or overtime prior to the start of my assigned second shift.

On the date of the incident, I had consumed no alcohol within eight hours prior to beginning work. At no time was I under the influence of any intoxicant of any type, whether alcohol, prescription drugs, or nonprescription drugs.

On July 29, 2021, my cruiser, Unit S2, had an in-dash cam video and audio, which was working during the incident. The audio connected to a microphone which I had on my person. I was not wearing a body camera since MPD does not issue body cameras to Patrol Officers. I was not carrying any personal recording device.

On the date of the incident, I was well rested for the start of my regularly-assigned second shift. Prior to the incident, I engaged in routine patrol activities.

The weather on July 29, 2021 was warm, dry and clear. At the time of the incident, it was daylight outside and the lighting outside did not change during the incident.

As to the incident itself, I was dispatched to 300 Wood Street, in reference to a 911 hang-up call. I was dispatched with Patrol Officer Boggs who was in his own cruiser. When I arrived on scene, I observed Officer Boggs talking to an individual in a red SUV. I exited my cruiser and proceeded to clear the original call after I spoke to a female in Apt. A1 who advised she did not call 911 and that everything in her residence was okay.

I then proceeded to speak to Officer Boggs in the parking area which was underneath Apt. A-8. I heard someone screaming for help very loudly. Officer Boggs and I proceeded up the stairs from where the cries for help were coming. It was upstairs that Officer Boggs and I made contact with a black male, later identified as Jaymes Hayes. Mr. Hayes was wearing a white shirt that was ripped and bloody and he was carrying a bloody knife with bloody hands. Both Officer Boggs and I gave several commands for Mr. Hayes to put the knife down but he refused to do so. Mr. Hayes who was in the walkway outside Apt. A-8 began to break out the glass in the front window of Apt. A-8.

Officer Boggs pulled out his Taser and deployed two cartridges, but neither cartridge had any effect on Mr. Hayes.

When I first encountered Mr. Hayes, he was coming out of the door of Apt. A-8 onto the walkway and had pulled the door shut behind him. Because he had a bloody knife in his hand, and I had heard screams for help from inside Apt. A-8, I drew my duty weapon with my right hand. Mr. Hayes was not complying with the commands which Officer Boggs and I gave him to drop the knife. Instead, he was attempting to re-enter Apt. A-8 through the broken window. Inside the apartment, I could hear cries for help from a male inside, later identified as Jaron Ginn. I observed that the deployment of the Taser cartridges had had no effect on Mr. Hayes who was clearly re-entering the apartment where I believed he had used his knife to stab Mr. Ginn inside the apartment.

After Officer Boggs' deployment of the Taser cartridges failed, I recall Officer Boggs telling me to "Shoot!" I made my own decision to fire my weapon at Mr. Hayes in order to stop him from re-entering the apartment through the broken window where I believed that Mr. Ginn faced an immediate threat to his life and physical safety from Mr. Hayes. I fired several rounds at Mr. Hayes. My aim was towards his torso (center mass). My backdrop in firing the rounds at Mr. Hayes was the walkway and exterior of the apartment. There were no individuals present in the backdrop area

Mr. Hayes entered the apartment through the window. Officer Boggs and I then ran to the door of Apt. A-8. Officer Boggs kicked open the door. Both Officer Boggs and I yelled "Mansfield Police" as he kicked open the door. Officer Boggs and I entered the apartment and I immediately went to Mr. Ginn. I asked him where he had been stabbed and he told me, "everywhere." I asked Mr. Ginn to show me his hands which he did. I could see blood coming from his chest area.

As I was attending to Mr. Ginn, I saw that Mr. Hayes appeared at the doorway to a room East of the living room. Mr. Hayes had the same knife in his hand. Mr. Hayes immediately charged at Officer Boggs. It was at this point that Officer Boggs fired several rounds at Mr. Hayes. In immediate fear for Officer Boggs' life, I also fired several rounds at Mr. Hayes. Mr. Hayes fell to the floor inches in front of Officer Boggs who had fallen back against the couch as he was firing his weapon.

The backdrop for the rounds which I fired inside the apartment was the front door area. No individuals were in the backdrop area. The lighting inside the apartment was sufficient for me to see clearly inside the apartment.

After Officer Boggs and I fired our duty weapons Mr. Hayes was on the floor, Officer Boggs made radio contact, including requesting medical assistance. I resumed attending to Mr.

Ginn whom I had assisted to the couch. I recall other units arriving, with Officer Hecht being the first to arrive.

Officer Boggs and I met Sergeant Webb when he arrived. He directed us back to the station. I drove my cruiser back to the station. I was subsequently ordered to give blood and urine samples, which I did at an Ohio Health facility in Mansfield.

I had no prior contact with Mr. Hayes or Mr. Ginn either through work or personally. However, I was aware that Mr. Hayes was a suspect in a possible car theft. This information had been relayed to me several days prior to the incident.

I believe that there was no force less than the lethal force I used both outside and inside the apartment that would have been sufficient to meet the threat posed by Mr. Hayes. When I fired my duty weapon outside the apartment, Mr. Hayes was a clear and immediate threat to the life and physical safety of Mr. Ginn inside the apartment. When I fired my duty weapon inside the apartment, Mr. Hayes was a clear and immediate threat to the life and physical safety of Officer Boggs. I also believe that Officer Boggs was fully justified in firing his duty weapon inside the apartment when he was being attacked by Mr. Hayes and was in immediate fear for his life.

My statement is made to the best of my recollection as the incident of July 29, 2021. I have reviewed the in-dash car video (with audio), which the MPD released to the Mansfield News Journal. I viewed this video on the newspaper's website.

Respectfully submitted,



Officer Clay D. Blair

8-9-21

Date



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



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Criminal Investigation Notification

1. You are advised that this investigation is being conducted in order to determine the presence or absence of criminal liability on the part of those involved in the 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 not in custody. 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. As such, you may refuse to answer questions from the criminal investigators; your statements are not being compelled under threat of adverse disciplinary action from your employer. This is not a "Garrity" interview (where you may be required to answer).

CLAY BLAIR

Printed Name of Interviewee

8-9-21 1033 AM

Date / Time

[Signature]

Signature of Interviewee

Cory Momchilo

BCI Agent (Printed)

[Signature]

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BCI Agent (Signature)