



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 Robert Giovanni, Jr. (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.) Robert Giovanni (Giovanni). The video footage is related to the officer-involved critical incident which took place on October 12, 2023, in the area of 4312 Helena Avenue, Youngstown, Mahoning County, Ohio, and involved Ricco Acevedo and members of the YPD.

The listed narrative is a synopsis of the activities and conversations recorded on Ofc. Giovanni'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. Giovanni and the other members of the YPD which were recorded. Nor is the synopsis a word-for-word translation of the conversations or comments made by Ofc. Giovanni 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 X60A4713M and noted the following:

The video is 0:33:35 in length and begins at 09:36:37 as Ofc. Giovanni is driving. Initially, there is no audio.

At 09:36:58, Ofc. Giovanni stops his cruiser.

At 09:37:01, Ofc. Giovanni exits his cruiser.

At 09:37:05, Ofc. Giovanni activates the audio on his body camera as he is walking towards 4312 Helena Avenue.

At 09:37:19, Ofc. Giovanni contacts Ofc. Hilliard, who is standing at the bottom of the steps to the front porch. He also contacts Acevedo who is sitting on a step talking with Ofc. Hilliard.

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.

Ofc. Hilliard then advised Ofc. Giovanni of the situation.

At 09:38:14, Ofc. Giovanni asks Acevedo if he is staying at the residence why he does the work at the residence. Acevedo replies that he got dropped off at the residence earlier.

At 09:38:36, Sgt. [REDACTED] returns to 4312 Helena Avenue and contacts Acevedo on the front porch. Sgt. [REDACTED] asks Acevedo to repeat his information as nothing returned on the computer for the information Acevedo previously gave. Acevedo then repeats the same information.

At 09:39:09, Sgt. [REDACTED] tells Acevedo to turn around and place his hands on the wall.

At 09:39:23, Acevedo runs into the residence at 4312 Helena Avenue through the front door. Sgt. [REDACTED] follows Acevedo into the residence after telling another YPD officer who has arrived on scene (Ofc. Robert Giovanni) to cover the rear of the residence.



Acevedo running into the residence.

At 09:39:26, Acevedo can be heard saying "I have a gun on me." Acevedo then repeats that a few moments later. As this is taking place, Sgt. [REDACTED] and Ofc. Giovanni follow Acevedo up the stairwell to the second floor.

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 09:39:38, Sgt. ██████ tells Acevedo to toss the gun onto the ground.

At 09:39:45, Sgt. ██████ tells Acevedo, "Toss that gun down" Acevedo responds "No".

At 09:39:49, Sgt. ██████ says to Acevedo, "Toss it". Acevedo responds, "I'm not tossing it".

At 09:39:56, Sgt. ██████ again tells Acevedo, "Toss the gun".

At 09:39:59, Ofc. Giovanni calls on the radio for assistance at 4312 Helena Avenue.

At 09:40:11, Sgt. ██████ tells Ofc. Giovanni to get a long gun.

At 09:40:17, Ofc. Giovanni tells Ofc. Hilliard to get a long gun.

At 09:40:22, Acevedo tells Sgt. ██████ that his real name is Ricco Acevedo.

At 09:40:30, Acevedo tells Sgt. ██████ that he has nothing to live for.

At 09:40:36, Acevedo says, "I'm not doing this anymore".

At 09:40:51, Sgt. ██████ asks Acevedo, "Why are you doing this right now?". Acevedo replies that he does not trust the police.

At 09:41:03, Sgt. ██████ again instructs Acevedo to toss the gun down.

At 09:41:25, Acevedo asks Sgt. ██████ if he has ever shot somebody. Sgt. ██████ replies yes.

At 09:41:29, Acevedo says, "(unintelligible)..your going to have to shoot me because I'm not going to jail".

At 09:41:38, Acevedo then says "At least three times".

At 09:41:41, Sgt. ██████ fires three (3) rounds.



Ofc. Giovanni's view when Sgt. [REDACTED] fires

At 09:41:49, Ofc. Giovanni moves to the top of the staircase.

At 09:41:55, Sgt. [REDACTED] instructs Ofc. Giovanni to call for an ambulance. Sgt. [REDACTED] then approaches Acevedo who has fallen to the ground.

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 09:42:05, Sgt. [REDACTED] reaches Acevedo who is laying in the hallway at the entrance to the bathroom. Sgt. [REDACTED] handcuffs and then searches Acevedo.

At 09:42:56, Ofc. Giovanni tells Dispatch to expedite the ambulance.

At 09:43:06, Ofc. Giovanni verifies with Dispatch that shots have been fired. He also says to notify the office and to send the ambulance.

At 09:43:44, Ofc. Giovanni tells Sgt. [REDACTED] to leave the scene. Sgt. [REDACTED] then walks by Ofc. Giovanni and starts down the stairs.

At 09:45:22, Ofc. Giovanni says Acevedo is not breathing anymore.

At 09:46:20, Ofc. Giovanni puts on a pair of latex/rubber gloves.

At 09:46:36, Ofc. Giovanni puts his hand over injury on Acevedo's chest after it is realized that Acevedo is still breathing.

At 09:47:33, Ofc. Giovanni is speaking with another YPD officer and says that Acevedo said that he did not want to go to jail. Ofc. Giovanni said that Acevedo had said that your going to have to shoot me, I'm not going back to jail.

At 09:48:11, Emergency Medical Services (EMS) personnel arrive and begin treating Acevedo.

At 09:50:03, Ofc. Giovanni leaves the second floor.

At 09:50:18, Ofc. Giovanni leaves the residence through the front door.

At 09:51:34, Ofc. Giovanni enters the residence and goes back to the staircase where he removes items in order to clear the stairwell.

At 09:52:52, EMS personnel announce that Acevedo has no pulse.

At 09:55:29, Ofc. Giovanni turns off the audio on the body camera. The video continues recording.

At 09:59:19, EMS personnel can be seen performing CPR on Acevedo.

At 10:09:34, EMS personnel leave the second floor.

At 10:09:55, Ofc. Giovanni leaves the second floor.

At 10:10:11, Ofc. Giovanni leaves the residence through the front door.

The video concludes with Ofc. Giovanni standing on the front porch to the residence.

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.