



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



2024-1474

Officer Involved Critical Incident - 16100 Van Aken Blvd.,
Shaker Heights, OH

Investigative Activity: Interview of Involved Officer
Involves: [REDACTED] (S)
Activity Date: 06/05/2024
Activity Location: 18 West Avenue, Elyria, Ohio 44035
Authoring Agent: SA Andrew J. Harasimchuk #170

Narrative:

On June 5, 2024 at approximately 0957 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Andrew Harasimchuk and SA Cory Momchilov (Momchilov) interviewed Elyria Police Department (EPD) [REDACTED] [REDACTED] who was accompanied by his attorney, Dan Leffler (Leffler), from the Ohio Patrolmen's Benevolent Association (OPBA). Also present during this interview was EPD Union President Paige Mitchell and OPBA Intern Anthony Corigliano. The interview took place at the EPD located at 18 West Avenue, Elyria, Ohio 44035. The interview was audio and video recorded. The audio recording was attached to this report and the video recording was saved as Reference Item I.

It should be noted that the interview with [REDACTED] was recorded in two parts because [REDACTED] wanted to speak with counsel before answering a question. During this period the audio and video recordings were stopped, and the recordings resumed after [REDACTED] had the opportunity to speak with his attorney.

[REDACTED] read, signed, and stated he understood the BCI Criminal Investigation Notification form prior to beginning the interview. The BCI Criminal Investigation Notification form which was signed by [REDACTED] was also added as an attachment to this report. Refer to the BCI Criminal Investigation Notification form for further details.

It should be noted that the interview with [REDACTED] focused on the moments immediately surrounding the time period when [REDACTED] fired his weapon and not the entirety of the standoff.

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. It is suggested that the full
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recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

Preliminary and Demographic Information:

Name: ██████████	Rank: ██████████
Badge Number: ██████	Cruiser/Vehicle Number: ██████████ did not know the vehicle number because it was an unmarked vehicle.
Radio Call Sign: ██████	Immediate Supervisor: EPD Sergeant Dustin Thacker and Sergeant Adam Garvin; USMS Nate Lupica
Radio Channel Utilized: Learn 1	Mobile Data Terminal: Not Present
Cruiser Description: Silver Chevy Equinox	Occupants of Cruiser: EPD ██████████
Assignment: USMS TFO	Normal Shift: 1800 - 0600 hours
In-Car Camera: Not Present	Spotlight: Not Present
Emergency Lights: Present & Utilized	Siren: Present & Utilized
Shift Day of Incident: 1800-0600 hours	Duty Status: On-Duty
Days Off: Sunday, Monday, Tuesday, and every other Wednesday	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: ██████████ ██████████ did not recall	Consider Self Well Rested: ██████████ stated that he had worked the shift prior to this incident
Total Length as Officer: 12 years	Length at Current Agency: 2 years since returning to EPD
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: USMS TFO shirt and green tactical pants	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Rifle, pistol, medical gear, taser, handcuffs, and entry tools
Ballistic Vest: External Armor	Body Worn Camera: Present & Used
Other Recording Devices: None	Partner: EPD ██████████
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Basic SWAT, vehicle and room entry tactical courses, firearm and taser instructor	OPOTC Certification: Current - Obtained from Lorain Community College in ██████████

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Military Experience/Training: [REDACTED] an [REDACTED] from [REDACTED]	Use-of-Force Training: Conducts use-of-force training in his department. Has completed use-of-force training within the last year.
Prior Shooting Incidents: 2023 and 2018	Prior Discipline or Use-of-Force Complaints: None
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None
Alcohol in Past 24 Hours? None	Last Consumed Alcohol Prior to Incident: At least 4 days prior to the incident

Officer's Firearm(s):

Weapon #1

Make: Sig Sauer	Model: M400
Caliber/Gauge: .223 caliber	Serial: [REDACTED] Obtained from BCI Item # [REDACTED]
Type: Rifle	Method of Carry: Sling
Magazine Capacity: 30	Total Rounds as Carried (including chamber): 30
Extra Magazines: 1, obtained from photographs of [REDACTED]	Number of Rounds in Extra Magazines: 29
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 25	Number of Rounds Fired: 5
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: A few weeks prior to this incident.	Type of Holster, if any: None

Narrative:

After obtaining the above preliminary information, [REDACTED] provided the following information:

[REDACTED] stated that he was working patrol the night prior to this incident taking place. [REDACTED] said that while working his shift he learned that an officer had been shot and killed on the eastside. [REDACTED] said that his shift ended at 0600

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hours. ██████████ said that himself and EPD ██████████ (██████████), both of whom are Task Force officers for the United States Marshal Services (USMS) had discussed as their shift was ending the possibility of getting called back out after going home due to the death of the officer.

██████████ said that shortly after 0700 hours, he was notified that the Lorain Division of the USMS was being activated. During the briefing with them, USMS ██████████ learned that there was a target location in the City of Elyria. ██████████ stated that he and ██████████ conducted surveillance at this target location for approximately one hour. ██████████ stated that two individuals exited from the residence of the target location and got into a vehicle. ██████████ said that he and ██████████ then conducted rolling surveillance on this vehicle and followed it to a restaurant on the east side. The individuals went inside of the restaurant and ██████████ and ██████████ continued to conduct surveillance from the outside of the restaurant. When the two individuals exited the restaurant, the officers were able to identify that the male was not the individual that the officers were looking for. ██████████ said that at this time, ██████████ learned that the individual that the USMS was looking for was at an apartment in Shaker Heights.

██████████ said that after briefing at the Shaker Heights location, the Lorain Division of the USMS was assigned to the one/two corner of the apartment building. ██████████ said that the Lorain Division of the USMS was using a Shaker Heights armored vehicle as cover. ██████████ said that he was rotating his position on and off of this truck.

██████████ said that he was watching three sets of windows on the third floor. A flashbang was thrown into the apartment and ██████████ said that he saw the window closest to the two/three corner shake.

██████████ said that he knew that a robot was sent into the apartment and that the subject had shot at the robot. ██████████ said that he had heard these shots being fired.

██████████ said that he heard radio traffic stating that the subject was armed.

██████████ said that his timeframe was "messed up" because he had been at the scene for several hours.

██████████ said that he was positioned where he was because he had a low power variable optic (LPV) on his rifle. ██████████ said that this optic was able to do an eight-power zoom. ██████████ said that while he was standing on top of the truck that the subject had fired a round out of the apartment. ██████████ said that he

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knew it was the third window away from the two/three corner. [REDACTED] said that he did not know what the subject was shooting at. [REDACTED] said that there was a drone flying at that the time and [REDACTED] did not know if the subject was shooting at the drone, officers that were positioned in a window across from the subject, or down at the ground. [REDACTED] said that at this time there was a vinyl blind in the window of the subject's apartment that you could not see through.

[REDACTED] said that after the first round came out of the apartment that he told the officers with him that a round had come out of the apartment window and that if the subject shot again that he [REDACTED] was going to return fire. [REDACTED] said that within approximately five seconds the subject fired another barrage of gunfire.

[REDACTED] said that he did not know who or what the subject was shooting at.

[REDACTED] said that at that time he fired four rounds into the right window. [REDACTED]

[REDACTED] said that after he shot the suspect stopped shooting for what seemed like several hours. During this time period, [REDACTED] said that he was made aware of several attempted breaches, attempts to knock down the blinds and curtains, and other apartments in the area that were being evacuated by other law enforcement personnel.

[REDACTED] said that he learned through radio traffic that the subject had been in fighting positions, defensive positions, and was lying on the ground with a gun pointed at a doorway. [REDACTED] said that the subject was knocking down flying drones.

[REDACTED] said that sometime later someone made a radio broadcast stating that the subject was preparing to put the mattress against the window. [REDACTED] said that at this time he was back up on the truck and had the zoom "cranked all the way up" or at least close to all the up on his LPV. [REDACTED] then stated the following:

"I saw the mattress come up on the window. And then I could see, ah, I could see him step off to the [REDACTED] s voice momentarily lowers and becomes inaudible for a moment), these directions are terrible. Towards like the three side of the building. So, there is the window, the mattress comes up, and then I see his body, his upper body on the other side, not the other side of the mattress, but at the end of the mattress. So, if I am looking up at the window, umm, it would be like the far end of the mattress. I saw him there I saw maybe his arms, or some type of movement come up. I already had my LPV dialed in, umm, he was in my crosshairs, at that time I took a single shot, umm, and then he dropped from there. So, at that time I tried calling out to the guys, hey you know he, he's down. Umm, I did not know if he was hit or not, but he definitely dropped like he was hit (25:33)."

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██████████ said that one of the other special deputies asked ██████████ if ██████████ thought that he had "hit him." ██████████ said, "I think I did."

██████████ said that another special deputy then asked ██████████ how sure ██████████ was that he had hit him. ██████████ then said the following:

"I can't be sure that I hit him, I just know that when I fired, he dropped, but there was, you know, tons of other stuff going on. Umm, and my view of him wasn't, wasn't that great, it wasn't enough to confirm it or anything like that (27:06)."

After this ██████████ said that a heavy barrage of less lethal munitions were fired and more drones and robots were put into the apartment. ██████████ said he heard on the radio that they did not see the subject initially. ██████████ stated that some explosive breaches were used. ██████████ said that he believed that an entry team had pushed into the apartment at this time, but communication was lacking. ██████████ said that the entry team ultimately found the subject dead from what appeared to be a self-inflicted gunshot wound.

SA Momchilov asked if anyone else was firing when ██████████ had fired the four shots. ██████████ replied, in the affirmative, and said that there was a barrage of gunfire but that he did not know who had fired.

SA Momchilov asked if a "delta order" had been given. ██████████ said that he had learned that later and that he did not know about that order at the time. ██████████ added that the order would not have applied because it was specific to the team that it was given to.

SA Momchilov then asked ██████████ what made ██████████ fire his weapon the second time when ██████████ fired one shot. ██████████ said at that time he was under the impression that the subject was trying to kill as many officers as he could. ██████████ continued saying that the subject had already fired at officers, the subject had been shooting the equipment, the subject had been putting himself into fighting positions, and it felt like the subject was going to put a barricade up at the window or take shots at officers from the window. ██████████ said, "I saw some arm movement, and at that time my impression was he's probably getting ready to shoot at us again. And, umm, that was the first time, that's the only time that I had seen him in person umm, and I wasn't going to risk him taking any more shots at us."

SA Momchilov then asked ██████████ if ██████████ fired his weapon because the subject was presenting a deadly threat at that time or if it was more the totality of the circumstances. ██████████ said that the subject had already presented as a deadly

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threat, and it was the entire situation at that point. [REDACTED] then said that "he was trying to kill us." [REDACTED] continued, saying that his view was obscured because of the curtains, but that he could see the mattress had gone up, he could see the subject step off the mattress, and that he could see movements, possible "furtive movements." [REDACTED] said that he did not know what the subject was doing but knew that the subject was armed, had been shooting at law enforcement, and that the subject was fortifying his position.

SA Momchilov asked [REDACTED] if he had viewed his body-worn camera (BWC) footage. [REDACTED] replied, "yes."

SA Momchilov then asked [REDACTED] how many times [REDACTED] had watched his BWC footage. [REDACTED] said that he wasn't sure but that it was a few times.

SA Momchilov then asked [REDACTED] if [REDACTED] was doing this interview based off the BWC footage or his memory. [REDACTED] said that he was trying to do the interview from memory. [REDACTED] said that the notes that [REDACTED] was using for the interview were notes that he had made before viewing the BWC footage.

SA Momchilov then asked [REDACTED] if investigators could view [REDACTED]'s BWC footage in its entirety even if it might contain Garrity statements. At this point [REDACTED] and Attorney Leffler stepped out of the conference room to have a discussion and all recording devices were stopped.

[REDACTED] and Attorney Leffler returned to the conference room on June 5, 2024 at approximately 1032 hours. Attorney Leffler advised agents that there was no issue with reviewing [REDACTED]'s BWC footage in its entirety.

When [REDACTED] was asked if he discussed this incident with anyone else. [REDACTED] said that he only discussed the incident with his teammates while on scene.

When [REDACTED] was asked if anyone asked [REDACTED] to lie or otherwise tried to influence [REDACTED]'s statement, [REDACTED] said "no."

When [REDACTED] was asked if [REDACTED] perceived that he had any other options at the time of the shooting. [REDACTED] said that he did not feel like he had any other options at the time.

References:

Item I – DVD containing the interview of [REDACTED]

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Attachments:

1. Criminal Investigation Notification - [REDACTED]
2. Audio Interview of [REDACTED] - 2024-06-05 #1
3. Audio Interview of [REDACTED] - 2024-06-05 #2

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DAVE YOST

OHIO ATTORNEY GENERAL



Bureau of Criminal Investigation
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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

6-5-24 / 1000

Date / Time

[Redacted Signature]

Signature of Interviewee

Andrew Hrossiarchuk

BCI Agent (Printed)

[Handwritten Signature]

BCI Agent (Signature)