



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



2023-2639  
 Officer Involved Critical Incident - 7498 Van Ness Avenue,  
 Hubbard, Ohio 44425, Trumbull County

**Investigative Activity:** Interview of Involved Officer  
**Involves:** Officer [REDACTED] (S), Attorney Mel Lute (O), BCI (O)  
**Activity Date:** 10/18/2023  
**Activity Location:** Vienna Township Police Department -  
 856 Youngstown Kingsville Road, Vienna, Ohio 44473

**Authoring Agent:** SA Charles Moran #67

**Narrative:**

On October 18, 2023, at 1409 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chuck Moran (Moran) and SA Cory Momchilov (Momchilov) interviewed Vienna Township Police Department (VTPD) Officer (Ofc.) [REDACTED], who was accompanied by his attorney, Mel Lute, from the Baker, Dublikar, Beck, Wiley & Mathews Law Firm. The interview took place at the VTPD. The interview was audio and video recorded.

Ofc. [REDACTED] read, understood, and signed the BCI Criminal Investigation Notification form.

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. 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:**

<b>Name:</b> [REDACTED]	<b>Rank:</b> Officer (Ofc.)
<b>Badge Number:</b> [REDACTED]	<b>Cruiser/Vehicle Number:</b> [REDACTED]
<b>Radio Call Sign:</b> [REDACTED]	<b>Immediate Supervisor:</b> Sergeant Padula
<b>Radio Channel Utilized:</b> LE2 - channel with Liberty Township PD, through Trumbull County 911 Center	<b>Mobile Data Terminal:</b> Present & Utilized
<b>Cruiser Description:</b> Ford Explorer, VTPD markings	<b>Occupants of Cruiser and Seating Positions:</b> Officer [REDACTED] was solo occupant
<b>Assignment:</b> Patrol	<b>Normal Shift:</b> Varies, usually 1500-2300 hours
<b>In-Car Camera:</b> Not Present	<b>Spotlight:</b> Present; Not utilized

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<b>Emergency Lights:</b> Present & utilized, turned off prior to arriving at scene	<b>Siren:</b> Present & Utilized
<b>Shift Day of Incident:</b> 1500-2300 hours	<b>Duty Status:</b> On-Duty
<b>Days Off:</b> Wednesday and Thursday the week before	<b>Prior Overtime or Extra Details within Preceding 48 Hours:</b> Did not recall
<b>Hours of Sleep Prior to Incident:</b> 10 hours, normal amount of sleep	<b>Consider Self Well Rested?:</b> Yes
<b>Total Length as Officer:</b> Approximately 5 years	<b>Length at Current Agency:</b> VTPD - about 4 years, Mercy Health/St. Elizabeth's Hospital PD - 3 years
<b>Physical Disabilities (to include hearing aid):</b> None	<b>Corrective Lenses:</b> No Corrective Lenses
<b>Uniform Worn:</b> Dark blue uniform shirt with VTPD patches on the sleeves, uniform pants, duty boots/shoes, no coat worn during the incident, baseball hat with POLICE on it	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> Duty Belt - pistol in holster on right side, handcuffs on back right side, radio on left hip. Vest - Taser on left front, three pistol magazines on front right side, body-worn camera on right center chest.
<b>Ballistic Vest:</b> External armor, badge on left chest, POLICE patch on front, large POLICE patch on back	<b>Body Worn Camera:</b> Present & Used
<b>Other Recording Devices:</b> None	<b>Partner:</b> None, on shift with Sergeant Padula
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Training or Areas of Specialty:</b> ALERTT Training (active shooter situations)	<b>OPOTC Certification:</b> Yes, current and valid
<b>Military Experience/Training:</b> Ohio Army National Guard, October 2013 - October 2019, Military Police	<b>Use-of-Force Training:</b> VTPD Lexipol policies reviewed
<b>Prior Shooting Incidents:</b> None	<b>Prior Discipline or Use-of-Force Complaints:</b> None
<b>Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident:</b> None, takes Melatonin for sleep, drug tested after the incident, agreed to allow BCI to review the drug test results	<b>Medications, Prescriptions, or Drugs that might Impair You Now for Interview:</b> None, had a cold during the interview and took Sudafed (daytime), and Melatonin

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2023-2639  
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	<b>Last Consumed Alcohol Prior to Incident:</b> Possibly on day off (Wednesday or Thursday) of week before incident
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**Officer's Firearm(s):**

**Weapon #1**

<b>Make:</b> Click here to enter text.	<b>Model:</b> Click here to enter text.
<b>Caliber/Gauge:</b> Choose an item.	<b>Serial:</b> Click here to enter text.
<b>Type:</b> Rifle	<b>Method of Carry:</b> "Cruiser ready" with 30 rounds in magazine, empty chamber
<b>Magazine Capacity:</b> 30	<b>Total Rounds as Carried (including chamber):</b> 30
<b>Extra Magazines:</b> None carried on person, extra magazine in door of cruiser, extra magazine on older duty vest in trunk of cruiser	<b>Number of Rounds in Extra Magazines:</b> 30
<b>Discharged During Incident?</b> Yes	<b>Primary or Backup Weapon:</b> Primary
<b>Rounds Remaining After Incident:</b> Unknown, did not check, recalled that he fired one round during the incident.	<b>Number of Rounds Fired:</b> 1
<b>Right/Left-Handed Carry:</b> Right-Handed	<b>Ownership:</b> Department Owned
<b>Last Qualification Date:</b> August 2023	<b>Type of Holster, if any:</b> None, uncertain if it had a sling, did not use sling.

**Narrative:**

SA Moran asked Ofc. [REDACTED] if he watched any body-worn camera (BWC) video(s) of the incident. Ofc. [REDACTED] said he did not watch any BWC video(s).

SA Moran asked Ofc. [REDACTED] to provide details about the incident. Ofc. [REDACTED] said the initial call for service was dispatched to the Hubbard Township Police Department (HTPD) as a "disturbance". Ofc. [REDACTED] said the call sounded like it was a domestic violence incident. Ofc. [REDACTED] was on patrol in Vienna Township. A few minutes passed and the HTPD requested assistance from other law enforcement agencies in the area.

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Investigative Report



2023-2639

Officer Involved Critical Incident - 7498 Van Ness Avenue,  
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Ofc. ██████ was dispatched to an unrelated call for service in Vienna Township and contacted VTPD Sgt. Padula about the call for service and the HTPD incident. Sgt. Padula said he would handle the call for service and Ofc. ██████ could stay on patrol. The HTPD called for additional assistance from the VTPD. Sgt. Padula radioed that he was responding to the HTPD incident. Ofc. ██████ spoke with Sgt. Padula and Ofc. ██████ decided to handle the alarm call in Vienna Township. Sgt. Padula called Ofc. ██████ and said he could disregard the alarm call because he knew the homeowner, and everything was fine. Ofc. ██████ stayed on patrol in Vienna Township.

Ofc. ██████ listened to the radio traffic and monitored the CAD system. He said communication was "hectic" because agencies were on different radio channels. Ofc. ██████ was dispatched (via CAD) to another unrelated call for service in Vienna Township. He completed the call for service and remained on patrol in Vienna Township. Sgt. Padula asked Ofc. ██████ to call Ofc. Harvey at about 2130 hours and requested him to report to work early.

Ofc. ██████ continued to monitor the radioed traffic and CAD system. He recalled the "cat and mouse" game that the subject was performing and how the subject said he was going to "shoot" the officer's spotlights. He remembered dispatch radioing information that the subject said he saw two officers walk by him.

At about 2200 hours, Ofc. Harvey notified Ofc. ██████ that he was at the VTPD. Ofc. ██████ responded to the scene in Hubbard Township using lights and sirens. Ofc. ██████ called dispatch by phone and notified them that he was responding to the scene. Prior to arriving in the area, he turned off his lights and sirens. He parked his cruiser at the corner of Hubbard Masury Road and Van Ness Avenue. He debated whether or not he should use the patrol rifle or his pistol. He said the rifle did not have an optic nor a light attached to it, but his pistol did have a light attached to it. He decided to use the rifle because he believed there would be some distance involved and the rifle was a better distance option than a pistol.

Ofc. ██████ realized that the subject was in a "wooded area" between the houses. An OSHP trooper approached him, and they spoke about the manpower and decided to move together. Ofc. ██████ "racked a round" into the chamber of the rifle. He used his flashlight in his left hand and "cupped" it around the barrel of the rifle. Ofc. ██████ and the OSHP trooper moved into the backyard of a residence on Van Ness Avenue.

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**Bureau of Criminal Investigation**  
Investigative Report



2023-2639

Officer Involved Critical Incident - 7498 Van Ness Avenue,  
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Ofc. [REDACTED] activated his BWC at that time and put it in "ghost mode" so that no lights emitted from the BWC. The OSHP trooper moved to an area nearby and there was radio traffic from other officers indicating they saw the subject. Ofc. [REDACTED] moved near the OSHP trooper and notified him that the officers saw the subject.

Ofc. [REDACTED] saw "movement" near the left side of a nearby residence and alerted the OSHP trooper. The OSHP trooper moved across Van Ness Avenue to the front yard of a residence. Ofc. [REDACTED] began moving across the street and saw the subject emerge from the wooded area on the right side of the house. Ofc. [REDACTED] said (44:00), "contact right" and the OSHP trooper saw the subject too. Ofc. [REDACTED] moved into the front yard of a residence and began to "scream" verbal commands at the subject. He told him, "Drop the weapons! Do it now!" The subject possibly responded, "Shut the fuck up."

The OSHP trooper moved forward and Ofc. [REDACTED] moved with him and was offset to the right and a few feet behind the OSHP trooper. Ofc. [REDACTED] said the OSHP trooper had his rifle raised and pointed at the subject with the weapon-light activated. Ofc. [REDACTED] had his rifle raised with his flashlight on. Ofc. [REDACTED] said the subject was possibly up on a small hill and was estimated to be about "10-20 feet" away. The officers provided more verbal commands.

Ofc. [REDACTED] stated (46:00), "That's when the suspect, I believe he had both shotguns slung on both shoulders. Um, so we're giving him the commands, 'Drop them. Drop, drop, drop them.' Um, he threw the shotgun on his left shoulder onto the ground. So, at this moment, I'm thinking he's giving up. Um, I said something to the effect of, 'Good. Now the other one.' And I know from prior CAD notes and listening to radio traffic he was most likely inebriated um, he did look like he was heavily intoxicated um, so at this moment, the first shotgun is on the ground um, he goes to unsling the other shotgun, but I couldn't tell whether or not he was stumbling or not, and it was at this time that he more likely looked like he was taking up a firing position. Um, and because I was offset, behind, and to the left of the trooper, it looked like he had the barrel pointed towards him and it was like a split-second like, it, he went from having the barrel pointed after a split-second and that's when the first shot was fired by the trooper. Um, it had to have been maybe a half a second later that I fired. I don't believe that I hit the suspect with my shot and the only reason I am saying that is when the first shot by the trooper was fired um, he was uh, he stumbled off to his left and because of that um, I lost sight picture. My sight picture got a little screwed up. But, by the time I could tell what was going on my finger was already pulling the trigger. Um, so, I'm not going to say he dodged it, but in all retrospect, I believe I missed him."

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**Bureau of Criminal Investigation**  
Investigative Report



2023-2639

Officer Involved Critical Incident - 7498 Van Ness Avenue,  
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Ofc. ██████ said the subject fell to the ground and was no longer in sight. Ofc. ██████ explained that while the subject was standing, his shins to his feet were not visible. The OSHP trooper told Ofc. ██████ that they needed to wait for other officers before approaching the subject because they could not see him. Ofc. ██████ heard the subject "gurgling", and he believed the subject had been shot. Other officers arrived and they moved to another area to see into the ditch where the subject was located. More officers arrived from different directions, and they converged on the area where the subject was located.

Ofc. ██████ saw a Liberty Township Police Department (LTPD) officer use a ballistic shield to "pin" the subject to the ground to make sure he did not reach for one of the firearms. Ofc. ██████ said one of the shotguns was on his right side and the other shotgun was on the ground in front of the subject. The subject was handcuffed, and an ambulance arrived at the scene and began providing medical treatment as they transported the subject away from the scene.

The Hubbard Police Department (HPD) chief began to assume command of the scene. Ofc. ██████ informed Sgt. Padula that he had fired a shot. Sgt. Padula called Chief Ludt and told him about the incident. Sgt. Padula took custody of Ofc. ██████'s rifle. The HPD chief gathered the officers and then K-9 Ofc. Rankin approached Ofc. ██████ and stayed with him while they went to a nearby cruiser and left the scene. He went to the HTPD and was instructed not to talk to anyone about the details of the incident. He then took a drug test.

SA Moran asked Ofc. ██████ about the initial movement he saw near the house. Ofc. ██████ said he could clearly tell it was the subject moving and saw both shotguns slung on the subject's shoulders.

SA Moran asked Ofc. ██████ if it was "clear" that the subject was discarding the first shotgun from his left shoulder. Ofc. ██████ stated (57:10), "Yeah, that was clear." SA Moran followed, "The right one, is that movement significantly different..." Ofc. ██████ interrupted, "Oh yeah. He looked like he was getting into a firing position." Ofc. ██████ stated, "He dropped the first one to his feet." Ofc. ██████ demonstrated the subject dropping the first shotgun from his left shoulder (57:37):

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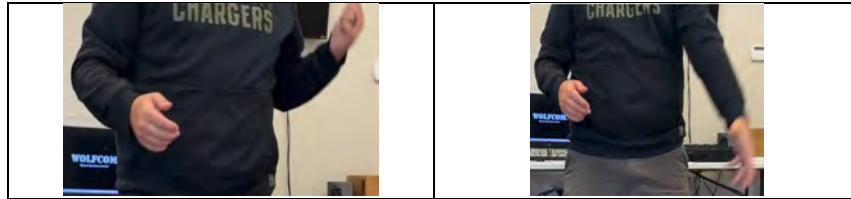




**Ohio Attorney General's Office**  
**Bureau of Criminal Investigation**  
 Investigative Report

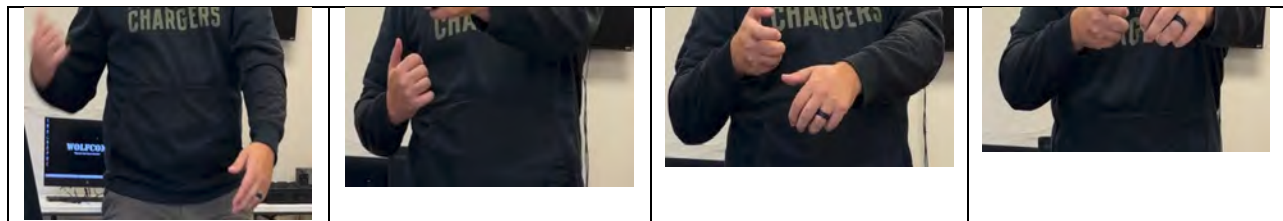


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 Officer Involved Critical Incident - 7498 Van Ness Avenue,  
 Hubbard, Ohio 44425, Trumbull County



Images: Ofc. [REDACTED] IR - Picture1, Ofc. [REDACTED] IR - Picture2

Ofc. [REDACTED] stated (57:43), “He grabbed this one, grabbed it by here, kind of leaned back, and I want to say he let go, but then he brought, he had his hand on the um, where you normally would have in a firing position (right hand on shotgun grip), pointed it, and it looked like he was coming back here, but that’s when the first shot was fired.” Ofc. [REDACTED] demonstrated the subject’s movement with the second shotgun:



Images: Ofc. [REDACTED] IR - Picture3, Ofc. [REDACTED] IR - Picture4, Ofc. [REDACTED] IR - Picture5, and Ofc. [REDACTED] IR - Picture6

SA Moran asked Ofc. [REDACTED] what he believed was going to happen when the subject made those movements. Ofc. [REDACTED] said he believed the OSHP trooper was “getting shot” and he thought, “Oh shit.” Ofc. [REDACTED] said he fired based upon what he observed and what he thought was going to happen and not based upon “sympathetic” gunfire because the OSHP trooper fired. Ofc. [REDACTED] said the incident happened quick and referred to it as “bang-bang.”

SA Moran asked Ofc. [REDACTED] about the delay in approaching the subject after he fell to the ground. Ofc. [REDACTED] said he could not see either shotgun after the incident and was uncertain if the subject still had the shotguns and could potentially use them against the officers.

SA Moran asked Ofc. [REDACTED] if he experienced any “perceptual phenomena” during the incident. Ofc. [REDACTED] said, “Yes. Time really slowed down.” Ofc. [REDACTED] explained that the incident was quick, and the gunshots were fired back-to-back, but he experienced it a little slower than it happened.

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**Bureau of Criminal Investigation**  
Investigative Report



2023-2639

Officer Involved Critical Incident - 7498 Van Ness Avenue,  
Hubbard, Ohio 44425, Trumbull County

SA Momchilov asked Ofc. [REDACTED] about the radio traffic he heard before he arrived at the scene. Ofc. [REDACTED] said he believed that the officers were near the residence and the subject ran out the back door and into the wooded area. Radio traffic indicated that the subject was armed from the beginning of the call for service, and he was drunk. Radio traffic also reported that the subject had threatened to kill the female caller and himself.

SA Momchilov asked about the lighting near the subject when he initially saw him moving. Ofc. [REDACTED] said there was a light near the subject from either a house or a streetlight that allowed him to see the subject moving with both shotguns slung over his shoulders. Ofc. [REDACTED] was crossing Van Ness Avenue when he initially saw the subject. When he encountered the subject with the OSHP trooper, they used flashlights to illuminate the subject. Ofc. [REDACTED] reiterated that he was about 10-20 feet away from the subject when he fired.

SA Moran asked Ofc. [REDACTED] if he believed his actions were consistent with his training and experience. Ofc. [REDACTED] answered, "Oh yeah. Yeah." SA Moran asked Ofc. [REDACTED] if he spoke with the OSHP trooper that was involved. Ofc. [REDACTED] said the OSHP trooper and another OSHP trooper approached him after the incident and asked if he was recording with his BWC. Ofc. [REDACTED] said he was recording with his BWC, and it seemed that the involved OSHP trooper was "pissed." Ofc. [REDACTED] explained that he believed the OSHP trooper was "pissed" because he realized his BWC was not recording. Ofc. [REDACTED] said he did not talk about the details of the incident with any other officer.

The interview ended at 1515 hours. Ofc. [REDACTED] and Attorney Lute watched Ofc. [REDACTED]'s BWC video recording. They indicated that there was nothing else to be added to the Ofc. [REDACTED]'s statement about the incident.

**Reference Item:**

The video recorded interview of Ofc. [REDACTED] was copied to a DVD+R and was submitted to the BCI Special Investigations Unit case file as Reference Item B.

**Attachments:**

1. BCI Criminal Investigation Notification Form - VTPD Ofc. [REDACTED]
2. Audio - VTPD Ofc. [REDACTED] Interview - 2023-10-18 - 803\_0775
3. Overhead Map 1 - VTPD Ofc. [REDACTED]
4. Overhead Map 2 - VTPD Ofc. [REDACTED]

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Bureau of Criminal Investigation  
Investigative Report**



2023-2639  
Officer Involved Critical Incident - 7498 Van Ness Avenue,  
Hubbard, Ohio 44425, Trumbull County

5. Ofc. [REDACTED] IR - Picture1
6. Ofc. [REDACTED] IR - Picture2
7. Ofc. [REDACTED] IR - Picture3
8. Ofc. [REDACTED] IR - Picture4
9. Ofc. [REDACTED] IR - Picture5
10. Ofc. [REDACTED] IR - Picture6

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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

10/18/23 14:01  
Date / Time

[Redacted Signature]

Signature of Interviewee

SA Charles Moran #67

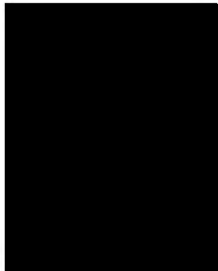
BCI Agent (Printed)

SA [Signature] #67

BCI Agent (Signature)



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