



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



2022-1356

Officer Involved Critical Incident - 1659 S. Main Street, Akron, Ohio
44301

Investigative Activity: Interview with Sergeant Michael Pasternak

Activity Date: September 28, 2022

Authoring Agent: Special Agent Cory Momchilov #64

Narrative:

On Wednesday, September 28, 2022, at 1441 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Chuck Moran interviewed Akron Police Department (APD) Sergeant Michael Pasternak (Pasternak), who was accompanied by his attorney, Jason Wells, from the Fraternal Order of Police. The interview took place at the law offices of Malarcik, Pierce, Munyer, & Will. Fraternal Order of Police Akron Lodge #7 President Clay Cozart was also present during the interview.

The interview was audio recorded.

Sergeant Pasternak was identified as being a police officer who had some level of involvement in the June 27, 2022, officer-involved shooting which occurred in the area of 1659 South Main Street, Akron, Ohio. Reportedly, Pasternak did not discharge a firearm during the course of the incident and arrived on scene after the shooting. The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

On June 27, 2022, Sergeant Pasternak was the driver of marked APD cruiser, Car 41. Sergeant Pasternak was not working with a partner. Sergeant Pasternak was wearing his standard APD uniform.

Prior to the interview, SA Momchilov was advised that Sergeant Pasternak had typed a supplemental report that documented his involvement in the June 27, 2022, officer-involved shooting. Sergeant Pasternak wished to read the narrative out loud and then he would answer any follow-up questions, if needed.

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Officer Pasternak's typed narrative reads:

NARRATIVE
<p>I, Sgt. M. Pasternak #1410, was working car 41 on June 27th, 2022. At approximately 0030 hours, I heard car [REDACTED] begin to call out a chase over the radio. As the chase proceeded, I heard car [REDACTED] announce over the radio that a shot was fired from the suspect vehicle and that the officers were not struck. I was in the station at the time but got in my cruiser and drove to the area of the chase. The suspect vehicle was travelling west on Wilbeth Rd approaching S Main St. Several other cruisers and I stopped oncoming traffic at the intersection of S Main St and Wilbeth Rd so that the chase could proceed safely.</p> <p>While still at the intersection, I heard an officer call out that the suspect vehicle was slowing down. Shortly after, I saw a gold firework erupt over the treeline to the east of my location. I then heard a large amount of pops that sounded like gunfire right after I saw the firework. Due to the close proximity of seeing the firework and hearing the pops, I could not distinguish which pops were from the fireworks and which pops were gunfire. I didn't immediately hear anything over the radio so I went east on Wilbeth Rd towards the sounds. As I was approaching, I heard an officer announce over the radio that shots were fired and a med unit was requested. When I arrived on scene, I saw a lot of officers near the suspect who was laying on the ground in the parking lot of the Firestone building.</p> <p>Sgt. Tersigni was with the officers near the suspect. Sgt. Tersigni directed the officers that fired their weapons towards me while the other officers on scene rendered medical aid. I sequestered Officers [REDACTED] in separate cruisers. I also collected their Body Worn Cameras. Sgt. Sinsley provided me with Body Worn Cameras from Officers [REDACTED] who were involved in the incident and four officers who witnessed the incident. I transferred custody of the Body Worn Cameras to Det. S. Hall from the CSU unit. I assisted with scene security until I was no longer needed. I then cleared the call and resumed patrol.</p>

SA Momchilov asked Sergeant Pasternak what specifically caused him to respond to the incident. Sergeant Pasternak stated, "Over the radio, when they said that shots were fired during the chase, that's kind of when I started heading that direction." SA Momchilov asked Sergeant Pasternak if he heard any signals called out over the radio. Sergeant Pasternak responded, "I did not."

Sergeant Pasternak advised that he did not see any portion of the shooting.

Sergeant Pasternak advised that he was wearing a body-worn camera and that it was activated. Sergeant Pasternak stated that he has not reviewed his body-worn camera footage.

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*It should be noted that agents purposely did not ask Sergeant Pasternak if he had discussions or conversations with the involved officers. The purpose of this was not to taint investigators with any possible Garrity-related statements or information.

At the end of the interview, Sergeant Pasternak was afforded the opportunity to view his body-worn camera footage. Sergeant Pasternak declined.



Figure 1



Figure 2

The above images are from Sergeant Pasternak's body-worn camera footage. Based upon Sergeant Pasternak's body-worn camera footage, Sergeant Pasternak is observed approaching the scene after the shooting occurred (Figure 1, Figure 2).

Attachments:

The audio recording of the interview is attached to this Investigative Report.

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