



**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 Officer Kyle Cunningham

Activity Date: September 8, 2022

Authoring Agent: Special Agent Cory Momchilov #64

On Thursday, September 8, 2022, at 0808 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) and SA Chuck Moran interviewed Akron Police Department (APD) Officer Kyle Cunningham (Cunningham) who was accompanied by his attorney, Jason Wells, from the Fraternal Order of Police. The interview took place at 1460 Triplett Boulevard, Akron, Ohio. Fraternal Order of Police Akron Lodge #7 President Clay Cozart was also present during the interview. The interview was audio and video recorded.

Officer Cunningham was identified as being a police officer who witnessed and/or 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, Officer Cunningham did not discharge a firearm during the course of the incident. The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

Officer Cunningham stated his radio call sign on June 27, 2022, was Car 7. Officer Cunningham has been an Akron police officer for over 10 years, prior to that, Officer Cunningham was a police officer for the Savannah Metropolitan Police Department for approximately 1 year. Officer Cunningham wore his standard police uniform. He also wore an external ballistic vest and duty belt. Officer Cunningham was the driver of Car 7, a Ford Explorer marked with APD emblems and emergency lights. Officer Cunningham was not working with a partner. Officer Cunningham considered himself to be well-represented as a police officer during the incident. He stated he was not under the influence of any substance that would impair his memory or judgment during the incident or during the interview with BCI. He does not wear corrective lenses.

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

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Officer Cunningham's typed narrative reads:

**NARRATIVE**

On Monday June 27th I was working uniformed patrol in district 7. Shortly after 0030hrs Car ■ called out with a vehicle pursuit. During the pursuit Car ■ stated (over the radio) that a shot had been fired from the suspects vehicle.

Minutes later, the suspect vehicle was traveling westbound on Wilbeth in my direction. I was assisting with blocking vehicle traffic at the intersection of Wilbeth/ South Main St. After observing the suspect vehicle drastically slowing down, I observed the suspect fleeing (on foot) northbound into a nearby parking lot. I approached the parking lot and exited my cruiser.

As I opened my cruiser door, shots were actively being fired. I went behind my cruiser (to a place of cover) and approached the parking lot from a safer vantage point. As I approached on foot, I observed several officers in a staggered line. I immediately began to shout "cross fire, crossfire" in an attempt to improve officer safety.

When I observed the suspect, he was lying on his back. The suspects right arm was in a 90 degree angle with his forearm/hand extended outward (common shooting stance). I began to shout "watch his hands". The suspects right arm was moving. His bent right arm was moving from his right side, upwards towards his face. I faintly heard one officer say "gun" at which time I asked "Where's the weapon at?". "An unknown officer stated we don't know?"

Seconds later an officer (located closer to the suspect and a better vantage point) gave the command to move in and handcuff/ provide medical aid to the suspect. Officers moved in and immediately began to provide medical aid to the suspect.

I remained on scene to assist in scene security.

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*Based upon Officer Cunningham's body-worn camera footage, the above image is the approximate time when Officer Cunningham exits his vehicle. As Officer Cunningham is exiting the vehicle, "Shots Fired" is heard being broadcasted over the radio.*



*Officer Cunningham is then observed approaching the scene parking lot area.*

SA Momchilov asked Officer Cunningham what caused him to respond to the scene. Officer Cunningham stated, "Not only the vehicle pursuit that was coming toward my district but the shots being fired at the officers but Signal 21 is the most extreme call sign that we have."

SA Momchilov then asked Officer Cunningham what he meant by most extreme. Officer Cunningham stated, "That's the most serious, cease fire officers need help."

SA Momchilov replied, "Would it be fair to say that officers are expected to respond to that no matter where they're at in the city." Officer Cunningham replied, "Absolutely, yep, it's the most, I guess, extreme, dangerous, the most, unless you're on something severe you gotta go."

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SA Momchilov asked Officer Cunningham if he could see what the individual was wearing. Officer Cunningham advised the individual was wearing a "black outfit" and had "something over his face, his head area."

SA Momchilov stated, "When you arrived on scene, you said you actively heard gunshots. Could you see what was happening?" Officer Cunningham replied, "I could not, cause of the angle of where my cruiser was, up toward the hedgerows, there's a little incline that then levels out to a parking lot. So as soon as I pulled up, upwards toward the hedge line, opened my door the shots were being, actively being fired. I didn't not have a vantage point where I saw the parking lot."

SA Moran later asked, "The gunfire that you heard, actively being fired, can you provide any more details about that? Could you tell who was firing?" Officer Cunningham replied, "I could not, no it was just actively gunshots firing. I didn't, I couldn't tell who from or where's the act, I didn't see any muzzle flashes, I didn't hear, I didn't see any officer firing."

SA Momchilov advised at one point, Officer Cunningham stated that he heard another officer faintly say gun. SA Momchilov then asked what was meant by that. Officer Cunningham replied, "Well, there's so much commotion going on and we're trying to relay messages, I just see the amount of officers, ah, I heard gun from one of the officers, rather it be she's talking about put his guns away, I, I can't articulate what he meant by that but my vantage point, from hearing gun basically he, they see a gun or there's a threat of a gun."

SA Momchilov asked Officer Cunningham if he spoke with any of the involved officers about the incident. Officer Cunningham replied, "No, not any details of the shooting, no."

Officer Cunningham did have his body-worn camera activated when he arrived on scene. Officer Cunningham advised that he watched his body-worn camera footage less than five times. SA Momchilov asked Officer Cunningham if he was basing his statement off of what he observed on the body-worn camera or off of his memory. Officer Cunningham replied, "My memory."

SA Moran stated to Officer Cunningham, "The position, you mentioned the subject was on his back when you like, approached the staggered line and you talked about this, like the position his right hand, like a 90 degree angle. Can you just demonstrate what you remember seeing?"

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Figure 1

Figure 2

Figure 3

Figure 4.

Officer Cunningham stated, “He was lying flat on his back, his arm was like this down by his hip, right area and it was being raised, like this all the way back towards his head. So it started right by his hip (Figure 1), which was away from me, I was currently on this side on the west side of the parking lot, or, excuse me, east side of the parking lot, so I saw from here, up (Figure 2), all the way back up (Figure 3), towards his head (Figure 4).”

SA Momchilov asked if the individual also made “that finger” motion that Officer Cunningham demonstrated. Officer Cunningham stated, “Yes.”

SA Momchilov asked Officer Cunningham if he had an opportunity to look inside the individual’s vehicle at any point. Officer Cunningham stated that he did not.

SA Momchilov asked Officer Cunningham what area of city he was at when the pursuit was initiated. Officer Cunningham stated he was working in the Kenmore area which is District 7.

SA Momchilov asked Officer Cunningham if he provided any medical aid. Officer Cunningham stated he did not. SA Momchilov then asked Officer Cunningham what his primary role at the scene was. Officer Cunningham explained that once the threat was assessed and over with, he went and provided traffic control. Officer Cunningham stated that he is a shift representative and later, he got with the senior command staff to see which officers were involved. Officer Cunningham also stated he sequestered one of the involved officers in his cruiser.

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**Reference Items:**

The video recordings of the interview were placed onto a DVD and were labeled as Reference Item L.

**Attachments:**

The audio recording of the interview is attached to this report.

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