



**Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary**



Officer-Involved Critical Incident – 2347 East Waterloo Road, Akron,
Ohio 44312, Summit County

PROSECUTOR SUMMARY

INVESTIGATION REGARDING:

Officer-Involved Critical Incident (Shooting)

Subject – Jeremy McCracken (Deceased)

Involved Officers – Chief Jack Simone, Springfield Township Police Department,
Sergeant Joe Gaffney, Springfield Township Police Department

INVESTIGATING AGENCY:

Ohio Bureau of Criminal Investigation (BCI)

CASE NUMBERS:

2022-2085 – BCI Special Investigations Unit

2022-2085 – BCI Crime Scene Unit

2022-2085 – BCI Cyber Crimes Unit

2022-2085 – BCI Criminal Intelligence Unit

22-39461 – BCI Laboratory

22-01790 – Springfield Township Police Department

INCIDENT DATE AND TIME:

Wednesday, October 5, 2022, at 1137 hours

SUMMARY REPORT DATE:

Friday, January 6, 2023



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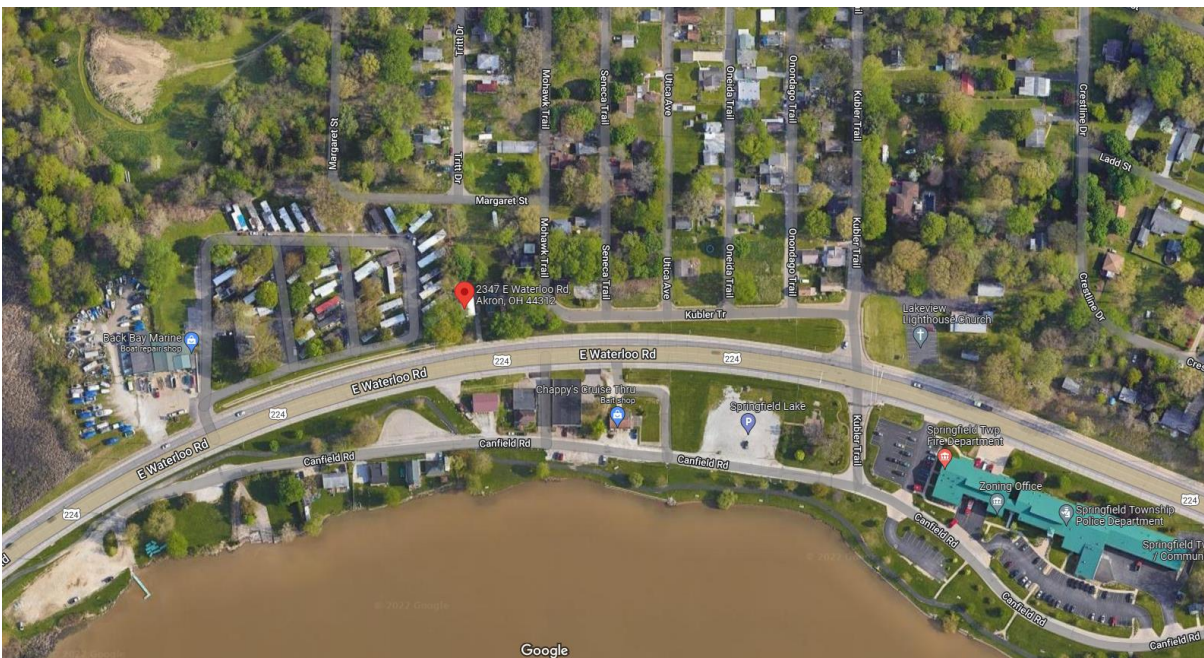


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INVESTIGATIVE REQUEST

On Wednesday, October 5, 2022, at about 1154 hours, the Springfield Township Police Department requested assistance from the Ohio Bureau of Criminal Investigation's (BCI) Special Investigation Unit and Crime Scene Unit with investigating the facts and circumstances surrounding a shooting and subsequent officer-involved shooting incident.

The incident occurred at about 1137 hours, at a residence located at 2347 East Waterloo Road, Akron, Ohio 44312, Summit County. The incident involved a male subject, Jeremy McCracken, and Springfield Township Police Department Chief Jack Simone and Springfield Township Police Department Sergeant Joe Gaffney. The incident resulted in the death of Jeremy McCracken.



Overhead map of area surrounding 2347 East Waterloo Road, Akron, Ohio 44312. (Source: Google.com/maps)



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PREFACE

This report serves as a synopsis of the investigation into the October 5, 2022, shooting and officer-involved shooting that occurred in Springfield Township, Summit County, Ohio. This report only summarizes the information the investigative team determined to be the most useful in achieving an overall understanding of what occurred during the incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident. This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident.



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INVESTIGATIVE TEAM

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chuck Moran (Moran) from the Special Investigations Unit was assigned as the lead investigator. Assistance was provided by BCI SA Matt Armstrong (Armstrong), BCI SA Jon Lieber (Lieber), BCI SA Charlie Snyder (Snyder), BCI SA Todd Clark (Clark) and BCI SA Nick Valente (Valente).

BCI SA Dan Boerner (Boerner) and BCI SA Larry Hootman (Hootman) of the Crime Scene Unit processed the scene.

BCI Cyber Crimes Unit Computer Forensic Specialist Natasha Branam (Branam) performed an analysis of a cell phone.

BCI Criminal Intelligence Unit Analyst Jamie Papesh assisted with gathering information and documentation for the investigation.



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SUMMARY OF PROCESS

The following is a partial list of investigative activities or methods which were employed during the course of this investigation by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

1. Recorded interview(s) of the two officers who discharged their weapons.
2. Neighborhood canvass of the area surrounding the scene.
3. Interviews of civilian witnesses to the incident.
4. Attempted interviews of a family members of the decedent.
5. Special Agent attendance to post mortem examination (autopsy) of the deceased.
6. Obtained and reviewed post mortem examination (autopsy) and toxicology reports (PENDING).
7. Obtained and reviewed open and closed-source biographical information on the involved subjects, to include: criminal history reports, OHLEG, driving records, etc.
8. FBI National Crime Information Center (NCIC) checks on any non-law enforcement weapons involved in the incident (to determine if reported stolen).
9. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace on any non-law enforcement weapons involved in the incident (to determine ownership history).
10. Review of all available surveillance video which captured any portion of the incident.
11. Processing of the scene for potential evidence (photographing, searching, measuring, documenting and collecting).
12. 3D scans/model of incident area.
13. Reviewed audio communications on the radio frequencies utilized during the incident.
14. Review of dispatch/CAD records pertaining to the incident.
15. Review of the department's reports, photographs and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement.
16. Obtained search warrants for the subject's phone and performed an analysis of the data present.
17. Conducted forensic laboratory examinations to include:
 - A. Firearm identification testing of involved firearms, casings and bullets
 - B. Firearm operability testing
 - C. DNA
18. Obtained search warrant to analyze electronic evidence, to include:
 - A. Cellular phone
19. Reviewed data obtained from aforementioned items of electronic evidence.



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20. Collected and reviewed the departmental personnel files of the officers involved in the shooting, to include training and disciplinary records (if any).
21. Reviewed firearm qualification and training records for involved officers.
22. Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officer(s) who discharged their weapons.
23. Obtained the department's policies and procedures regarding use of force for prosecutorial review.
24. Reviewed EMS records pertaining to their response and the treatment administered.
25. Performed records checks, including LEADS and NCIC off-line search, for the vehicle(s) involved in the incident.
26. Reviewed tips, social media posts and pertinent statements made in the media regarding the incident.



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INCIDENT OVERVIEW

On Wednesday, October 5, 2022, at about 1119 hours, Springfield Township Police Department (STPD) Chief Jack Simone (Simone) arrived at 2347 East Waterloo Road to perform a follow-up for ongoing zoning violations. Chief Simone contacted a towing company to have a junk vehicle removed from the property.

When the tow truck arrived, Chief Simone and the tow truck driver began to remove debris around the junk vehicle. They heard gunshot(s) and saw a male, later identified as Jeremy McCracken (Jeremy), standing on the back porch of the residence firing a pistol at them. Chief Simone fired his pistol at Jeremy.

At this time, STPD Sergeant (Sgt.) Joe Gaffney (Gaffney) arrived at the scene. Sgt. Gaffney approached Chief Simone's location and saw Jeremy moving through the brush and foliage. Jeremy fired more gunshots from his pistol at the officers. Sgt. Gaffney fired gunshots at Jeremy as he moved around the brush and foliage. Jeremy eventually went to the ground.

Sgt. Gaffney and Chief Simone approached Jeremy and handcuffed him. A revolver was located in the grass near the area where Jeremy went to the ground. An ambulance arrived shortly after the incident and the handcuffs were removed from Jeremy. Jeremy was transported to a nearby hospital where he was pronounced deceased a short time later.



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CRIME SCENE PROCESSING

BCI Crime Scene Unit (CSU) SA Boerner and BCI CSU SA Hootman responded to the scene to process it.

Exterior Scene – 2347 East Waterloo Road

The scene was photographed as it was found, and it was documented using a FARO Focus laser scanner.

The scene consisted of STPD cruisers 907 and 909, the backyard of the residence, the roadway adjacent to the backyard of the residence (Margaret Avenue), and the intersection of Margaret Avenue and Mohawk Trail. SA Boerner noted that evidence placards were placed near items by the STPD, where it was reported that officers were standing at the time of the incident.



*BCI CSU photo of STPD cruisers parked on Margaret Avenue.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



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BCI CSU photo of tow truck and junk vehicle.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"



BCI CSU photo of junk vehicle and back porch of residence.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"



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BCI CSU photo of incident area where officers were located.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"



BCI CSU photo of incident area where officers were located.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"



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*BCI CSU photo of incident area where Jeremy McCracken went to the ground.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



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The scene was examined for items of suspected evidence, and several items of suspected evidence were observed, photographed and collected (Table 1, Items of Suspected Evidence) (Figures 7-12, Items of Suspected Evidence).

Item #	Description	Location
1	Blk revolver – Ruger Blackhawk 45 cal. six shot revolver w/six cartridge cases, SN: 46-04318	Backyard near reported location of deceased subject
2	Blue jeans, a pair of shoes and a red pocket knife	Int. of Margaret Ave. and Mohawk Trail
2.1	Cartridges – Qty 19, W-W 45 Colt and Qty 5, WIN FC 30 30	Item 2
3	Cartridges – Qty 7, W-W 45 Colt	Int. of Margaret Ave. and Mohawk Trail
4	Cartridge case – Speer 45 Auto	Backyard near reported location of Chief Simone
5	Cartridge case – Speer 45 Auto	Backyard near reported location of Chief Simone
6	Cartridge case – Speer 45 Auto	Backyard near reported location of Chief Simone
7	Cartridge case – Speer 45 Auto	Backyard near reported location of Chief Simone
8	Cartridge case – Speer 45 Auto	Backyard near reported location of Chief Simone

Table 1, Items of Suspected Evidence

*Evidence collected by BCI CSU agents from exterior scene.
 Source: BCI Investigative Report, “2022-10-05: Crime Scene Processing”*



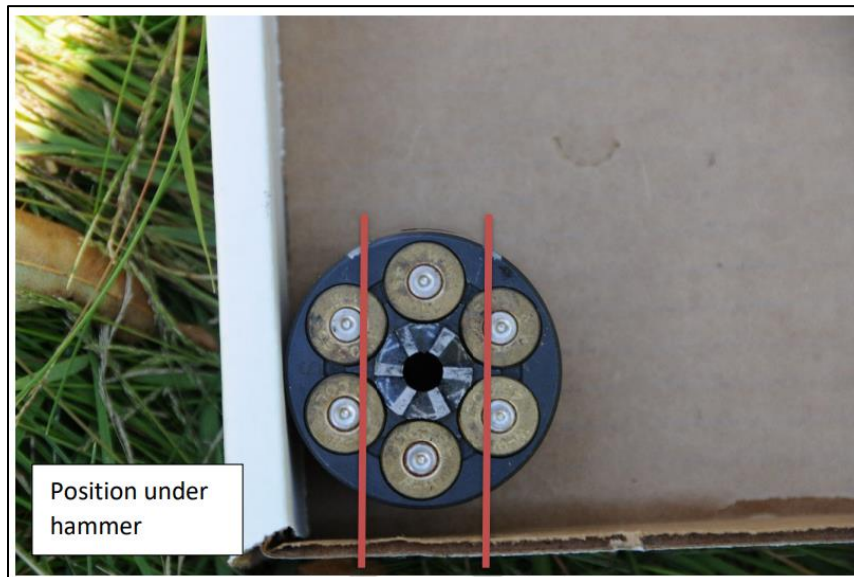
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*BCI CSU photo of revolver possessed and fired by Jeremy McCracken during the incident.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



*BCI CSU photo of revolver cylinder possessed and fired by Jeremy McCracken during the incident.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



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*BCI CSU photo of clothing worn by Jeremy McCracken that was removed by paramedics.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



*BCI CSU photo of pocket contents of clothing worn by Jeremy McCracken that were removed by paramedics.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



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*BCI CSU photo of area where officers were located and fired cartridge cases were recovered.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



*BCI CSU photo of area where fired cartridge case was recovered.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*

The scene was examined for suspected ballistic impacts and several suspected ballistic impacts were observed and photographed. Ballistic impacts were observed on the junk vehicle (a brown



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1985 Ford, bearing Ohio registration FKA2945), a piece of plywood near the subject vehicle and on a shed in the area where Jeremy McCracken reportedly fell (BI 1.0, BI 2.0-2.1 and BI 3.0).



*BCI CSU photo of suspected bullet impacts 1.0, 2.0, and 2.1.
Source: BCI CSU photo, "DPB_2833"*



*BCI CSU photo of suspected bullet impact 1.0 and suspected bullet impact 2.0.
Source: BCI CSU photo, "DPB_2827"*



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BCI CSU photo of suspected bullet impact 2.1.
Source: BCI CSU photo, "DPB_2836"



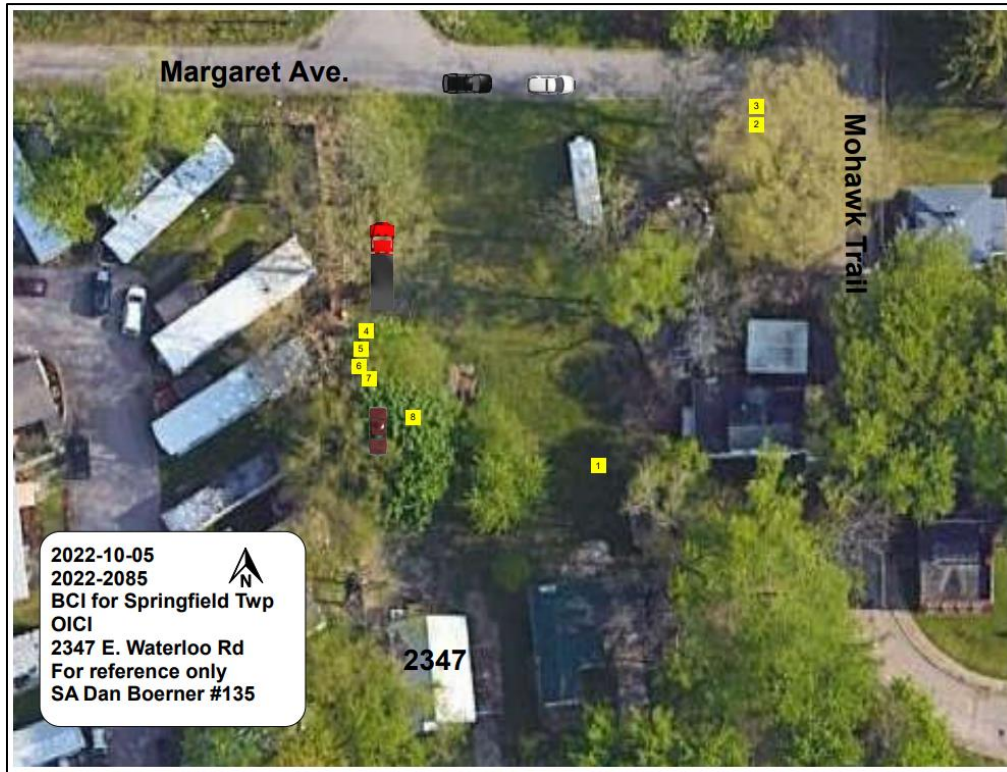
BCI CSU photo of suspected bullet impact 3.0.
Source: BCI CSU photo, "DPB_2947"



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*BCI CSU overhead diagram with evidence placards.
 Source: File, "2022-2085 Springfield Overhead diagram w-placards"*



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Interior Scene – 2347 East Waterloo Road

Pursuant to a search warrant, the interior of the residence located at 2347 East Waterloo Road was searched. SA Boerner proceeded to photograph the interior of the residence as it was found. The interior of the residence was examined for items of suspected evidence and two items of suspected evidence were photographed and collected (Table 3, Items of Suspected Evidence) (Figures 15-16, Items 1-2, Scene 2).

Item #	Description	Location
1	Cellphone – Blk, Assurance, UMX	Living room
2	Paper bag with empty 45 cal. ammo boxes	Living room

Table 3, Items of Suspected Evidence

*Evidence collected by BCI CSU agents from interior scene.
 Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



*BCI CSU photo of cell phone.
 Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



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BCI CSU photo of empty ammunition boxes.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"



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Firearms – Involved Officers

SA Boerner received custody of the firearms reportedly used by Chief Simone and Sgt. Gaffney from STPD Detective Robert Scherer. The firearms were photographed as they were found and collected as evidence (Table 2, Officers' Firearms) (Figures 13-14, Items 9-10).

Item #	Description	Location
9	Blk, Smith & Wesson, M&P, 45 cal. SN: [REDACTED], with one cartridge from the chamber and one magazine with five cartridges	Det. Scherer
10	Blk, Springfield Armory, Operator, 45 cal. SN: [REDACTED], with one cartridge from the chamber and one magazine with three cartridges	Det. Scherer

Table 2, Officers' Firearms

*Firearms used by the involved officers as collected by BCI CSU agents.
 Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



*BCI CSU photo of Chief Simone's firearm.
 Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"*



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BCI CSU photo of Sgt. Gaffney's firearm.
Source: BCI Investigative Report, "2022-10-05: Crime Scene Processing"



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BCI LABORATORY ANALYSIS

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted, as the following synopsis does not include many of the details from the full reports.

DNA

On October 14, 2022, SA Moran submitted the revolver possessed and used by Jeremy McCracken during the incident to the BCI Laboratory. SA Moran requested that the revolver be swabbed for DNA and that the swabs be retained, but not tested. The BCI Laboratory collected five swabs from the revolver.

Firearms

On October 14, 2022, SA Moran submitted multiple evidence items to the BCI Laboratory.

LOCATION AT SCENE	BCI CSU #	MATRIX ITEM #	BCI LAB ITEM #	ITEM DESCRIPTION	CONCLUSION
Backyard of 2347 East Waterloo Road	1	001	1	Ruger 45 Colt single-action revolver, New Model Blackhawk, serial number 46-04318, six (6) fired Colt cartridge cases	Operable <i>Subject's revolver</i>
Intersection of Margaret Street and Mohawk Trail	3	004	2	Seven (7) 45 Colt cartridges	Examined and found to be seven (7) Winchester brand 45 Colt Silvertip JHP cartridges
Backyard of 2347 East Waterloo Road	4	005	3	One (1) fired 45 Auto cartridge case	Source Identification (linked to Sergeant Gaffney's



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					pistol)
Backyard of 2347 East Waterloo Road	5	006	4	One (1) fired 45 Auto cartridge case	Source Identification (linked to Sergeant Gaffney's pistol)
Backyard of 2347 East Waterloo Road	6	007	5	One (1) fired 45 Auto cartridge case	Source Identification (linked to Sergeant Gaffney's pistol)
Backyard of 2347 East Waterloo Road	7	008	6	One (1) fired 45 Auto cartridge case	Source Identification (linked to Sergeant Gaffney's pistol)
Backyard of 2347 East Waterloo Road	8	009	7	One (1) fired 45 Auto cartridge case	Source Identification (linked to Chief Simone's pistol)
Received from STPD Det. Scherer	9	010	8	Smith and Wesson 45 Auto semi-automatic pistol, model: M&P45, serial number: [REDACTED] one (1) magazine and six (6) 45 Auto cartridges	Operable Source Identification (to lab item 7) <i>Chief Simone's pistol</i>
Received from STPD Det. Scherer	10	011	9	Springfield Armory 45 Auto semi-automatic pistol, model: Operator, serial number: [REDACTED] one	Operable Source Identification (to lab items 3-6 – four (4) fired cartridge cases



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				(1) magazine and four (4) 45 Auto cartridges	and lab item 10 - one fired bullet <i>Sgt. Gaffney's pistol</i>
Removed from subject, Jeremy McCracken, during autopsy	N/A	019	10	One (1) fired bullet	Source Identification to lab item 9 <i>Sgt. Gaffney's pistol</i>



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NEIGHBORHOOD CANVASS

On October 5, 2022, BCI agents conducted a neighborhood canvass of the area near 2347 East Waterloo Road.

Andrea Dalton – 1046 Mohawk Trail

Andrea Dalton (Andrea) reported no one was home when the incident occurred. She did have a Wyze surveillance camera mounted on the back (north side) of her residence. She reported it recorded audio and video footage when the incident occurred. Andrea was unable to provide agents with a copy of the footage; and in an attempt to cooperate, removed a 32 GB memory card from the back of the Wyze camera. SA Snyder completed a consent to search form and Andrea turned the memory card over to SA Armstrong, who was able to locate and obtain a copy of the relevant recordings captured by the camera.

Donna Storey – 2305 East Waterloo Road, Lot 31

Donna Storey (Donna) reported she was home at the time of the shooting. Just before 10:00 AM, she heard two revolvers or small caliber shots go off. After that, she heard about five to seven larger caliber shots go off. After that, it got quiet for a couple minutes, then she heard sirens. Donna reported she did not see any portion of the shooting and she did not hear any yelling. When she looked out the window, she saw all the police cars there. She clarified that the first two gunshots were a fast “pop pop,” then the others were a second or two apart. She estimated a few seconds elapsed between the two sets of gunshots. She did not have video recordings of the incident. She did not know any of the people involved in the shooting.

Kathy Engle and James Crow – 2305 East Waterloo Road, Lot 30

Kathy Engle (Kathy) and James Crow (James) were home when the incident occurred. Kathy did not see or hear anything. James Crow heard shooting but didn't see anything. James was at the table in his trailer, when he heard, “pop, pop, pop, pop, pop.” They had a camera on the back of their trailer, which points in the direction of where the incident occurred, but it was not set up to record.

Patricia Sommerfield, Erica Sommerfield, and Courtney Conley – 983 Mohawk Trail

They reported that they had not witnessed anything relative to this incident.



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Calvin Pierce – 987 Mohawk Trail

Calvin Pierce (Pierce) indicated the incident occurred while he was working on the vehicle, and he did not see anything but confirmed hearing two and then a third gunshot "...rounds..."; followed shortly by numerous other gunshots. Pierce described the later shots as being a possibility of a higher caliber and louder and in quick succession.

Pierce then advised seeing other persons filming on the street and running around. Pierce indicated being aware there were old cars on the McCracken property that he [McCracken] had been instructed to remove due to zoning issues. Piece indicated also being aware that the subject [Jeremy McCracken] had built a wooden and tarp enclosure around one vehicle and had been advised it was not good enough. Pierce continued also being aware the subject [McCracken] had informed the authorities not to come onto his property previously. Pierce then went on to complain about local zoning issues and procedures and landbank concerns involving this neighborhood and the zoning department.

Richard Nagle – 1026 Seneca Trail

Richard Nagle (Nagle), like Pierce, complained about zoning inspections being conducted by law enforcement in this township and their trespassing on his property for those purposes. Nagle advised he had been at his mother's residence at 977 Tritt Drive, when he heard gunshots. A short time later, Nagle advised he saw police vehicles near the scene. Nagle did not see the actual incident occur.

Evelyn Stevens – 1000 Mohawk Trail

Evelyn Stevens (Stevens) said she was inside her residence's first-floor kitchen area and she heard gunshots. Stevens advised she then went to the second story of the residence after hearing police sirens and looked out through the bedroom window, where she observed all of the commotion. Stevens indicated she also did not see the actual incident occur.

Jeffrey Woods and Danielle Shackelford – 1024 Mohawk Trail

Jeffrey Woods (Woods) confirmed being at home and lying in bed with Danielle Shackelford (Shackelford), while watching a television program, when they heard shots that he perceived initially as fireworks; followed a short time later by what he then identified as gunshots. Woods indicated his four dogs began barking and wanting outside after hearing the gunshots, making it difficult to hear anything else from outside his residence. Woods got dressed and went outside his residence and observed the deceased body [Jeremy McCracken] lying on the ground.



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Woods indicated being aware Jeremy McCracken was upset with Springfield Township due to the vehicles parked on his property. Jeremy McCracken reportedly had previously told Woods he would not remove the cars as ordered. Woods confirmed Jeremy McCracken built up a structure around the vehicle. Woods surmised Jeremy McCracken shot at police, who then fired back at him, and acknowledged this was only speculation. Woods indicated having a video camera system on the front/west of his residence, but did not believe it was able to record the incident due to the direction the camera is pointed at.

Woods was asked and copied on his cellular telephone the video capture of his home surveillance system for review by SA Armstrong. After recording the capture, it was determined that the video was of no use in this matter. It was also noted the Woods' security video system did not have audio recording functionality.

Shackleford's information relative to this incident was consistent with Woods. Shackleford advised on occasions observing Jeremy McCracken walking to his residence at night from the store, carrying bags. She also indicated Jeremy McCracken was a recluse and they had no prior issues or problems with him. Woods and Shackleford indicate they had provided the STPD with a written statement.

Michael Hudak and Randi Hudak – 1020 Tritt Drive

Michael Hudak (Michael) advised he got home at 0300 hours this morning and went to bed. Michael advised he heard six or seven gunshots, first a couple that were followed a short time later by others. He then indicated going back to sleep. Michael indicated he, on occasion, has seen Jeremy McCracken walking on the street and he stays to himself and seems "... a little weird...".

Randi Hudak (Randi) said she was in the bathroom on the second floor of the residence when she heard gunfire. Randi initially thought it was caused by someone throwing wood into a pick-up truck and described the sequence as, "... a pop - a pause - another pop - another pause - and then a third one - and then there was a pause after that and I was waiting to see if there was anymore and then another one went off and then after that it was just consecutive rounds being shot - and that's when I realized it was gunfire - it was not someone throwing wood in the back of a truck...".

Randi indicated going to second-story window and looking outside, but she could not see anything other than a police car and tow truck at the incident scene; she could not see any people. A short time later, Randi indicated observing the tow truck driver moving away from his



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truck and then a police officer walking away from the area. Randi also indicated then hearing sirens arriving. Randi advised never having talked with Jeremy McCracken but believes she may have seen him on a few occasions walking on the street. Randi advised the security camera on the house was not believed to have captured any relevant video documentation of the incident.

SA Moran obtained the surveillance video from the residence, but it did not appear to capture the incident on video. The view was blocked by foliage. There was no audio recording associated with the video recording.

Jennifer Scull – 1027 Mohawk Trail

Jennifer Scull (Scull) advised while sitting on the couch inside the residence when she heard, "...pop, pop, pop...". Scull later indicated hearing only one gunshot. Scull indicated also hearing shouting, that caused her to get up and look out her window, where she then observed a police officer running with a weapon. She advised aiding her patient and they looked out of the residence window. A short time later, an ambulance pulled up and they observed a male subject being placed into the ambulance.

Justine Burns – 2351 East Waterloo Road

Justine Burns (Burns) advised, while she was doing laundry and her daughter was in bouncer in the living room area, Burns heard gunshots. Burns indicated she picked her daughter up and then laid on the floor with her child. Burns indicated being aware there was a lot of shots and yelling, believing they may have originated very close and possible at the trailer park to the west of her address. Burns indicated after the gunshots, she heard sirens; and when she looked outside, observed police cars arriving.

Michael Dolinar – 2305 East Waterloo Road, Lot 25

Michael Dolinar advised he did not witness anything that occurred in reference to this incident.

WITNESSES

BCI agents interviewed multiple witnesses.

Christopher Dennis

On October 5, 2022, SA Armstrong conducted a recorded interview with Christopher Dennis



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(Christopher) at 1039 Mohawk Trail. A strong odor of burnt marijuana was emitting from the residence prior to the door being opened. When resident Christopher opened the door, the odor became even stronger and a thick smoke haze was observed inside the residence.

Christopher reported he was home when the incident occurred and he saw the shooting. He was in his bed when he heard two “pop pops.” He then looked out the window and saw an officer knelt down at the back of a camper next to a tree. He pointed out the camper he was referring to was covered in a blue tarp. When asked where the person the officer was shooting at was when the officer fired, Christopher pointed to the corner of Mohawk Trail and Margaret Street. He indicated the bullets were also going that way. He only saw one officer at first. After hearing the first two gunshots, he heard another three or four gunshots. After that, numerous other officers arrived. He did not have surveillance cameras and reported he did not record any videos of the incident on a personal device.

Michael Holmes

On October 5, 2022, SA Armstrong conducted a recorded interview with Michael Holmes (Michael). While present at the scene, SA Armstrong became aware of a video of the shooting incident which had been posted to Facebook by a user with the screen name Brandon Holmes.

At 1538 hours, SA Armstrong contacted Michael by phone. The phone call was recorded. Michael reported he did record footage of the shooting on his Motorola cell phone. He also posted the video to Facebook. His user name was Brandon Holmes. He indicated he had tried to send the video to an officer at the scene but the file was too large. Michael was at 785 Lessig Avenue, Akron, Ohio, and indicated SA Armstrong could come to his location and retrieve the video.

At approximately 1557 hours, SA Armstrong met with Michael at 785 Lessig Avenue. A recorded interview was completed and a copy of the video footage recorded by Michael was recovered from his cell phone. Michael provided the following information:

He was outside on Mohawk trail messing with an old hot water tank. He saw a police car parked on the side street and he was curious; so he sat down and was watching while he played a game on his phone. He then noticed a tow truck arrive. The police officer talked to the tow truck driver and then the tow truck backed into the grass. Michael said, “Then I hear put down the gun or something like that. I’m like wait what. And like I thought I heard it. Then I, then I heard pop! And I was like oh shit! I, I knew it was a gun. Then I heard drop the gun! Drop the gun! Pow! Pow! Pow! Pow! Then just a whole bunch of gunshots. Um some lady come running up and I’m



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like, and you know you will hear it in the video, like what are you doing? Hide, they're shooting you know what I mean. And she was like I'm with the cops."

When asked what caused him to start recording; Michael said, when he first heard "drop the gun," he started recording. Michael explained he felt like he better catch it on video because all these cops are getting in trouble for just trying to do their jobs. Michael was unsure if any shots were fired before he started the recording, but he thought there possibly were some shots fired before he was able to start recording.

Michael recorded a total of three videos using the standard camera application on his phone. One video was recorded during the shooting and two after the shooting. He had a fourth video, which was a duplicate of the first video but trimmed from 55 seconds in length to 23 seconds in length. Michael signed a consent to search form, which has been attached to this report. He then provided a USB charging cable for his cellular phone, a Motorola Stylus 5G. SA Armstrong connected the device to his AGO-issued computer and located the four video recordings. Michael remained present throughout this process.

Justin Knox

On October 5, 2022, SA Lieber interviewed Justin Knox (Knox). Knox is an employee of the Akron Coach Tow Company. Akron Coach is located at 1558 Massillon Road, Akron, OH. Knox stated that he was called by STPD to remove an abandoned or nuisance car. The location that Knox was told to respond to was the intersection of "Tritt Drive" and "Margaret Road." Knox stated that he arrived at the requested location and met the Chief Simone and Springfield Township trustee Kellie Chapman (Chapman). Knox stated that he parked his tow truck on the road and walked up to the area near the vehicle to assess how he was going to remove the car. Knox stated that the car was boxed in with plywood and tarps. Knox stated that they began to remove the wood walls from around the vehicle and pull away the tarps. Knox stated that he has to make sure that there is nothing illegal or anything that shouldn't be in the car before he tows it back to their tow yard. Knox then pulled his truck onto the yard, closer to the vehicle that was to be removed.

Knox stated that as he was removing the tarps, he noticed that the trunk lid wasn't latched. Knox went to open the trunk to ensure that there was nothing illegal in the trunk. As he began to lift the trunk, he heard a "pop" sound. Knox looked up and saw a person standing at the back of the house pointing a gun toward Knox, Simone and Chapman. Knox stated that he immediately got down on the ground and Simone began to yell for the subject to get back in his house. Knox said that Simone yelled multiple times. Knox then heard another gunshot. He stated that he believes



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that this second shot also came from the subject. Knox then ran back to his truck.

Knox said that the subject came around to their left, behind some brush and opened fire again. Knox said, at that time, Simone and another officer opened fire on the subject. Knox estimated that the police may have fired five or six shots at the subject. Knox clarified that he can't be sure if all of those shots are from police or if the subject was also firing. Knox said that the subject was struck and fell to the ground. The officers then approached the male and handcuffed him. Knox said that the fire department arrived within minutes and provided medical aid to the subject.

Knox stated that the vehicle that he was called to remove was a Ford LTD Crown Victoria. SA Lieber asked Knox to describe the subject. Knox said, "No, I could not see him, I personally, I could not see him. All I saw was arms stretched out and I saw flashes." SA Lieber asked if when he saw the subject's arms was he able to see skin color. Knox said that the subject is white. SA Lieber asked Knox if he could describe the subject's gun. Knox said that it looked like a silver-color long barrel revolver. SA Lieber asked Knox if he could recall specifically any of the commands given by police. Knox said that he heard multiple times, "Get back in the house, get back in the house."

Kellie Chapman

On October 5, 2022, SA Moran and SA Armstrong interview Kellie Chapman at her residence. Chapman said she has served as a trustee for Springfield Township since January of 2022. She said there are three trustees for Springfield Township and they oversee matters related to the township, including the police department, fire department and zoning, among others.

BCI agents asked Chapman to explain the zoning rules in Springfield Township related to junk vehicles and specifically Jeremy McCracken's vehicle. Chapman said there was a vehicle parked at Jeremy McCracken's residence that was in the yard. It appeared to be a junk, abandoned or nuisance vehicle that had not been moved in months. Part of the zoning rules in Springfield Township are that any vehicle that needs to be fixed must be under or inside a covered building or structure. Jeremy McCracken's vehicle was in the open yard and was not covered by any structure. Chapman said the township had been looking at the issue of Jeremy McCracken's vehicle for the past several months. The Springfield Township Zoning Department sent multiple notices over the past several months to Jeremy McCracken about the vehicle.

Chapman said Jeremy McCracken attended a zoning meeting or workshop in either August or September of 2022. Chapman said Jeremy McCracken was confrontational and was "scary."



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Chapman said Jeremy McCracken had his cell phone in his hand horizontally, leading her to believe that he was audio recording his interaction with the zoning members. Chapman said she texted STPD Chief Simone about Jeremy McCracken and his behavior at the meeting, and Chief Simone responded to the meeting.

BCI agents asked Chapman to provide details about the incident and officer-involved shooting she witnessed earlier that day. Chapman said she was riding in a marked STPD cruiser with Chief Simone, checking on various zoning matters, when they drove by Jeremy McCracken's residence (north side, rear yard) and saw the junk/nuisance vehicle parked in the yard. The vehicle was covered with loose pieces of wood. Chapman believed Jeremy McCracken covered it with multiple pieces of wood in an effort to claim it was under a structure.

It was decided that a tow company would be contacted to respond to the residence and tow the vehicle. When the tow company arrived, the driver backed the tow truck into the yard to prepare to tow Jeremy McCracken's vehicle. Chief Simone removed the objects that were covering or blocking the vehicle. The tow truck driver lifted the open trunk lid and Chapman heard a few "pop" sounds. She looked at the rear of Jeremy McCracken's residence and saw Jeremy McCracken pointing a gun at her, Chief Simone and the tow truck driver.

Chapman said Chief Simone began yelling at Jeremy McCracken to put the gun down, and Chief Simone told Chapman to take cover. Chapman moved behind a trailer camper to the east. She saw STPD Sgt. Gaffney arrive at the scene and run into the yard from the street. She heard a few more "pop" sounds and heard the officers yelling at Jeremy McCracken. Chapman saw Jeremy McCracken move to the east and toward the area where she was hiding behind the trailer camper. Chapman ran further east and hid behind another structure. She heard multiple "pop" sounds. Chapman said she believed the "pop" sounds were gunshots. She said the first several gunshots were fired by Jeremy McCracken, and she believed that the multiple gunshots fired at the end of the incident were by the officers, although she did not see them shoot.

BCI agents asked Chapman what she thought was going to happen to her, Chief Simone or the tow truck driver when Jeremy McCracken pointed the gun at them and likely fired at them. Chapman said she had "no idea" why someone would point a gun at someone else if they were not trying to shoot and kill them. Chapman added that she believed that Chief Simone and Sgt. Gaffney acted professionally and kept the community safe during the incident.



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NEXT-OF-KIN NOTIFICATION

On October 5, 2022, SA Moran and Detective (Det.) Scherer began driving to 417 Edith Avenue, Akron, Ohio 44312, because it was the last known address for Larry McCracken, the registered owner of the 1985 Ford Crown Victoria with attached Ohio registration FKA2945, that was parked in the yard at Jeremy McCracken's residence. Det. Scherer received information from another STPD officer that the residence at 417 Edith Avenue was no longer there and it was an empty lot.

Det. Scherer obtained a phone number from past STPD records for Joanne McCracken. The number was [REDACTED]. Det. Scherer called the phone number and left a voicemail. Det. Scherer informed SA Moran that Jeremy McCracken's brother, Josh McCracken, possibly lived at 4672 Mogadore Road, Kent, Ohio 44240.

At about 1748 hours, SA Moran and SA Armstrong went to Josh McCracken's residence. Agents knocked on the front door and the back door of the residence, but no one answered the door. There was a Dodge Ram truck, silver colored, with Ohio registration HFS9236 attached, parked in the driveway near the back door. SA Moran left a business card on the driver's side window of the truck. Agents decided to wait down the road to see if Josh McCracken left his residence.

Josh McCracken – Attempted Interview

At about 1825 hours, SA Moran received a phone call from Josh McCracken. SA Moran asked Josh McCracken if he was related to Jeremy McCracken. Josh McCracken responded, "Uh, yeah. What about him?" SA Moran explained that Jeremy McCracken was involved in an incident in Springfield Township earlier that day. SA Moran asked Josh McCracken if BCI agents could come to his residence to speak with him in person. Josh McCracken replied, "Well, I need to get to work. Is he ok?" SA Moran told Josh McCracken that Jeremy McCracken was involved in an incident where he was shot, transported to a hospital, and later died. SA Moran apologized to Josh McCracken for having to tell him that information by phone.

Josh McCracken stated, "Ok. Is that all you need to tell me?" SA Moran explained that BCI agents tried to call Joanne McCracken. Josh McCracken said Joanne was his stepmother, and the phone number that agents called was her "old number."

SA Moran explained that BCI was involved because the incident involved an officer-involved shooting. SA Moran told Josh McCracken that he would like to talk to him about his brother to get more background information about him. Josh McCracken stated, "Yeah, I can talk to you



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about all that, but I've got to um, I've got to make some calls now." SA Moran told Josh McCracken to contact him by any of the numbers listed on the business card. Josh McCracken responded, "Ok, yeah, thanks." The brief phone call with Josh McCracken was audio recorded. A few minutes later, agents observed Josh McCracken driving his truck south on Mogadore Road at a high rate of speed.

At about 1940 hours, SA Moran was driving on East Waterloo Road, after conducting a separate interview, when he observed Josh McCracken's truck parked on the street in front of the residence where the incident occurred. A small Volkswagen car was parked in front of Josh McCracken's truck.



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SPRINGFIELD TOWNSHIP POLICE DEPARTMENT REPORTS, DOCUMENTS, DISPATCH RECORDINGS, RADIO TRAFFIC RECORDINGS

BCI agents collected and reviewed numerous reports, documents, dispatch, recordings and radio traffic recordings from the STPD during the investigation.

STPD Use of Force Policy

On October 11, 2022, SA Moran received the use-of-force policy utilized by the STPD at the time of this incident.

STPD Radio Traffic Recordings

On October 7, 2022, SA Moran received a copy of the STPD radio traffic recordings from Det. Scherer.

This recording was 3 minutes and 48 seconds long (03:48). These radio traffic recordings were sequential, but they might have occurred over a longer period of time than the recording represents. SA Moran selected the following radio transmission as possibly relevant:

UNIT	RADIO TRAFFIC
Dispatch	Unit calling you were cut off.
S148 (Sergeant Joe Gaffney)	Radio, you have shots fired. Margaret. Subject down. Get us a squad ASAP. I'm with 218.
Dispatch	Copy. On Margaret.
S218 (Chief Jack Simone)	218 radio.
Dispatch	218.
S218 (Chief Jack Simone)	Make sure the squad knows we're in the rear yard.
Dispatch	Copy. In the rear yard.
Dispatch	218, do we have an address on Margaret?
Unknown	We got units here.
Unknown	On Waterloo that I called out, but we're in the backyard.
Dispatch	Copy.
S218 (Chief Jack Simone)	218 radio, scene secure.

Relevant radio traffic transmissions.

Source: BCI Investigative Report, "2022-10-07 Springfield Township PD Radio Traffic and Call Summary Report"

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STPD Call Summary Report 22-01790

The date and time of the call was October 5, 2022, at 1118 hours, at 2347 East Waterloo Road.

- 1119 hours – ON FOLLOW UP IN THE BACKYARD
- 1122 hours – S28 CONTACTED AKRON COACH FOR ABANDONED VEHICLE
- 1128 hours – AKRON COACH ON SCENE
- 1137 hours – SHOTS FIRED, HAVE MAN DOWN, SEND RESCUE
- 1138 hours – S218 SCENE IS SECURE (S218 is Chief Simone)
- 1208 hours – S211 S148 DROPPED OFF AT THE STATION (S148 is Sgt. Gaffney)
- 1237 hours – BCI ON SCENE
- 1732 hours – ALL UNITS CLEAR

S218 (Chief Simone) was on scene at 1119 hours. S148 (Sgt. Gaffney) was on scene at 1140 hours.

STPD Incident Report 22-01790

On October 11, 2022, SA Moran received a copy of the STPD incident report from Det. Scherer.

The report had a brief narrative included. Below is a screenshot of the narrative:

<p>Narrative Report</p> <p>On October 5, 2022 at approximately 1118 hours, officers were at 2347 East Waterloo Road to tow a vehicle for a zoning violation. Officers had requested for Akron Coach Towing Company to respond. A short time later, officers transmitted via radio that shots were fired and to send EMS. Myself and several other officers responded to the scene. The officers involved stated that McCracken exited the rear of his house and began firing at them without any warning. The officers involved stated they feared for their safety and the safety of others on scene and returned fire. McCracken was struck and transported to Akron City Hospital. The Bureau of Criminal Investigation will handle the investigation.</p>
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Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"



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The report included an initial supplement narrative completed by Det. Scherer. Below is a screenshot of the narrative:

Date: 10/05/2022	Reporting Officer: S152 ROBERT SCHERER	INC#: 22-01790	CFS#: 2222780107
Supplement Title: Initial			
<p>On October 5, 2022, I was in my office when I heard someone key up their radio mic with an unintelligible Radio transmission. Not long after this transmission I heard a second transmission with a officer saying that shots were fired subject down get a squad here ASAP, he is with 218 on Margaret. I, Det. Simms and Captain Moore all responded to the scene from the Police Department.</p> <p>When I arrived, I pulled onto Margaret Street. I saw vehicles 907 and 909 paked in a line facing East . Both vehicles were adjacent to a large yard. I saw a flatbed tow truck backed up to a car in the yard. I saw Officer #2 in the far Southeast corner of the yard. Officer #2 was attending to a male suspect who was laying on his stomach. The male subject was breathing but not responsive. The male had 1 handcuff on his left wrist. There was a large revolver with the hammer cocked back laying not too far away from the suspect.</p> <p>I notified the Ohio Bureau of Criminal Investigation and requested them to conduct the investigation.</p>			

Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"

The report included an initial supplement narrative completed by Captain Denise Moore. Below is a screenshot of the narrative:

Date: 10/06/2022	Reporting Officer: S134 DENISE MOORE	INC#: 22-01790	CFS#: 2222780107
Supplement Title: Initial			
<p>On 10/05/22 I was at the office when I heard Officer 2 say that shots were fired on Margaret. He stated that someone was down. When he said that he was on Margaret, I assumed he was with Officer 1 who had previously called out on a zoning issue in that area.</p> <p>Upon my arrival to Margaret, I saw a male lying on the ground (in the tall grass) with a gun shot wound to his abdomen. I also saw a long barrel revolver laying on the ground close to him. The male was breathing but unresponsive. At this time, EMS was pulling up on the scene and bringing the cot . They loaded him onto the cot and transported him to the hospital.</p> <p>Officers 1 and 2 briefly advised me of what happened. While they were separated, I put Officer 1s gun in an evidence bag. I unloaded it first. I put the magazine in the bag. I also unloaded the bullet that was in the chamber. I did the same for Officer 2s weapon. I gave both weapons to Det. Scherer.</p>			

Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"



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The report included an initial supplement narrative completed by Officer Ty Klapp. Below is a screenshot of the narrative:

Date:	10/06/2022	Reporting Officer:	S221 TY KLAPP	INC#:	22-01790	CFS#:	2222780107
Supplement Title: Initial							
<p>On October 5, 2022, I was at Speedway 1275 Canton Road handling a unwanted guest. Just before my arrival at Speedway I heard over the radio, Officer 1 radio out that he was at 2347 E Waterloo in the back yard in reference to a junk auto complaint. After a brief time period I heard what sounded like a distress radio traffic attempt. So I left my current call and headed the direction of the other units. Dispatch then keyed up asking if a unit had radio traffic. At which time Officer 2 then keyed up and said that shots had been fired on Margaret St and a subject was down to send a squad for a gunshot wound. When I arrived on scene I approached Officer 2 and he was rendering aid to the subject. I asked him what he wanted me to do, he said attempt to make contact and check welfare of residents at nearby homes due to bullets going different directions. After I checked the safety of the nearby residents I went back to the scene. I assisted the ambulance on the location of the subject. I then got nearby witness to write out statements on paper. While the witnesses were filling out the statement forms I caution taped the crime scene. At which point a crime scene log was started. When BCI arrived on scene I turned over the collected witness statements I had to them. I remained on scene during the entire investigation.</p>							

Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"

The report included an initial supplement narrative completed by Officer Damiano Tassone. Below is a screenshot of the narrative:

Date:	10/06/2022	Reporting Officer:	S217 DAMIANO TASSONE	INC#:	22-01790	CFS#:	2222780107
Supplement Title: Initial							
<p>On October 5th, 2022 I was at Schrop Intermediate School when I heard Officer 2 state on the radio that shots had been fired on Margaret St and the subject was down and to send a squad. I immediately traveled to the scene to assist the other units.</p> <p>When I arrived the the Suspect was in the ambulance. I helped place police tape around the scene. I attempted to make contact at 1046 Mohawk Trl to check the welfare of the residence. When I was unable to make contact at the residence I made contact with the property owner by phone who stated that he and his family were not home.</p> <p>I checked the welfare of the residents at 1039 Mohawk Trl who stated that they were ok.</p> <p>I then Transported The Trustee back to her residence. I then traveled back to 2347 E Waterloo Rd where was stationed at the front of the property to ensure the integrity of the scene from 12:30 pm to 4:15 pm.</p>							

Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"



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The report included a supplement narrative of investigation completed by Det. Scherer. Below is a screenshot of the narrative:

Date: 10/10/2022	Reporting Officer: S152	ROBERT	SCHERER	INC#: 22-01790	CFS#: 2222780107
Supplement Title: REPORT OF INVESTIGATION					
<p>I ran back to my car and grabbed my camera, returned to where the suspect was lying. I snapped a few quick photographs to document the scene as is before Springfield Fire arrived. Captain Moore requested that I call BCI to conduct the investigation. At this point I returned to my car and began instructing Patrol Officers to start taping off the area, explaining where I wanted the tape to be ran. I grabbed evidence markers from my car and placed evidence marker #1 at the revolver location and evidence marker #2 at the head of the suspect. This was to preserve the area and show BCI Agents the locations of the gun, suspect, and later, approximate locations of where Chief Simone and Sgt. Gaffney were at during the shooting.</p> <p>Once Springfield Fire arrived, and Sgt. Gaffney could be removed from the area, I gave Captain Moore 2 evidence bags, and she collected Chief Simone's and Sgt. Gaffney's duty weapon and magazine. She returned the weapons to me, and they were locked in my unmarked Detectives car. I ordered Chief Simone and Sgt. Gaffney to be separated and to have no further conversation with each other. Chief Simone and Sgt. Gaffney advised that they had not spoken since the Fire Department left. I checked on the wellbeing of both officers, and they were not injured and stated they were ok. I grabbed some evidence markers and asked Sgt. Gaffney to walk me through where he was at when he fired shots. All statements made by Sgt. Gaffney were voluntary and on his own accord. Sgt. Gaffney said he knew this was a problem house, so he decided to stop by and check on the Chief. Sgt. Gaffney said when he pulled up, the shooting began. Sgt. Gaffney said he ran to where the Chief was but could not see the shooter, so he started yelling at the Chief asking where the shooter was. Sgt. Gaffney said that the Chief and the tow truck driver were near the back of the red car that was parked in the yard. Sgt. Gaffney said that he knelt on 1 knee and pointed to an approximate area he believed he was at, at the time. (Evidence marker #3) Sgt. Gaffney told me that he then saw the subject come into a clearing from behind some brush. Sgt. Gaffney said that he believes he took a step to his left and as the suspect was shooting at him, he returned fire engaging the subject. Sgt. Gaffney told me that he believed he fired 4 times. Sgt. Gaffney told me that he remembers standing there while the suspect is shooting at him, waiting to feel the bullets hit him. Sgt. Gaffney told me that he feared for his life and thought that the Chief may had been "hit." Sgt. Gaffney was then transported to the Springfield Police Department by Det. Simms in an unmarked unit.</p>					

Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"




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I spoke with Chief Simone next. All statements given by Chief Simone were voluntary and on his own accord. Chief Simone told me that they had been dealing with Mr. McCracken for several months through several different correspondences making every effort for Mr. McCracken to remove his car. Chief Simone told me that McCracken did not remove his car, so they were there to remove it. Chief Simone told me that he was standing at the rear of the car with the tow truck and driver. Chief Simone said shots began to ring out and saw the suspect exiting the back door of his residence shooting at him. Chief Simone said he began to exchange gun fire with him. Chief Simone told me that the suspect moved from the back of his house in a Northeast direction behind a group of trees and brush. (Chief Simone was pointing out the direction and the brush) Chief Simone told me that he tried to keep an eye on him so as the suspect moved, he took a few steps to his left (evidence marker #4) and said he was somewhere in this area. Chief Simone told me that the

Tue, October 11, 2022 12:59:16 Sundance Systems Inc. - www.sundance-sys.com Page 10



**Springfield Township
Police Department**

Springfield Township
Police Department
2465 Canfield Road
Akron, OH 44312
Phone: (330)784-1609
Fax: (330)794-0015

Investigative Report Supplement

Date: 10/10/2022 Reporting Officer: S152 ROBERT SCHERER INC#: 22-01790 CFS#: 2222780107

Supplement Title: REPORT OF INVESTIGATION

suspect then came into a clearing, the suspect was still firing at them. Chief Simone said he fired some more until the suspect went down. Chief Simone said he handcuffed the suspect until they knew things were safe. Chief Simone and Sgt. Gaffney both said they removed 1 handcuff so they could help the suspect. Chief Simone at the time could not remember how many total rounds he fired. This is when I learned Trustee Kelly Chapman was at the time riding with the Chief as he was conducting zoning business. I located Trustee Chapman and requested Officer Klapp to obtain written statement from her. I also learned that there were a few neighbors that may have witnessed the incident and that they may have some sort of video. I instructed Officers Klapp and Tassone to gather their information and a written statement. All these written statements and possible video locations were passed along to BCI Special Agent Moran. Officer Tassone was then placed at the front of the residence, 2347 E. Waterloo Rd. to secure that area.

Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"

The report included an initial supplement narrative completed by Det. John Simms. Below is a screenshot of the narrative:

Date: 10/11/2022 Reporting Officer: S211 JOHN SIMMS INC#: 22-01790 CFS#: 2222780107

Supplement Title: Initial

On October 5th, 2022 I was sitting in the DB Office when i heard the radio key up. The initial key up nothing came through and then when dispatch asked when unit had traffic Officer 2 stated that shots were fired, the subject was down and that a squad needed to respond immediately. I rushed to the scene along with several other Officers. Upon my arrival I saw Officer 2 standing over the subject who was later identified as Jeremy Mccracken and a gun approximately 3 feet in front of Jeremy. Jeremy appeared to be breathing and had a GSW to his torso. Jeremy was then treated and transported by Springfield Fire to Akron City Hospital.

Source: BCI Investigate Report, "2022-10-11 Springfield Township PD Incident Report Received"

Additional STPD Call Summary Reports

On October 11, 2022, SA Moran received copies of additional STPD call summary reports from Det. Scherer related to 2347 East Waterloo Road.

STPD Call Summary Report 2220420177 – 2022-02-11

This was a follow up on February 11, 2022, at 1532 hours, at 2347 East Waterloo Road. The

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report comments were regarding receipt of a complaint of junk autos in the property. The unit ID was S218 (Chief Jack Simone). The report number was 22-00240.

STPD Call Summary Report 2222440210 – 2022-09-01

This was a follow up on September 1, 2022, at 1919 hours, at 2347 East Waterloo Road. The report comments indicated the STPD was conducting a follow up regarding a junk and inoperable vehicle on the property and the owner agreed to have the vehicle removed by September 1, 2022. The vehicle had not been removed. The unit ID was S218 (Chief Jack Simone).

STPD Call Summary Report 2222500143 – 2022-09-07

This was a follow up on September 7, 2022, at 1344 hours, at 2347 East Waterloo Road. The report comments indicated the STPD was conducting a follow up regarding a junk auto complaint. The vehicle was still on the property. The unit ID was S218 (Chief Jack Simone).

Zoning Documents related to 2347 East Waterloo Road

On October 11, 2022, SA Moran received multiple zoning documents related to 2347 East Waterloo Road from Det. Scherer.

Letters to 2347 East Waterloo Road

There were numerous letters from Springfield Township to the address at 2347 East Waterloo Road regarding zoning issues. The dates of the letters were:

- May 4, 2010
- May 27, 2011
- October 24, 2011 (x2)
- August 28, 2014 (x2)
- September 9, 2014

Letters to Larry McCracken

There were numerous letters from Springfield Township to Larry McCracken regarding zoning issues. The dates of the letters were:

- May 23, 2008
- August 8, 2008
- June 10, 2009
- August 14, 2009
- August 27, 2009



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- May 4, 2010
- May 27, 2011
- October 24, 2011 (x2)
- August 28, 2014 (x2)
- September 9, 2014
- December 7, 2021
- March 31, 2022
- July 29, 2022
- August 12, 2022

Letter from Jeremy McCracken to Springfield Township

Jeremy McCracken wrote a letter to Springfield Township on April 15, 2022. The letter was regarding zoning issues. He indicated that he believed that Springfield Township was “attempting to intimidate” his father into leaving his home. He also indicated that he resented the “conducting illegal searches of properties.”

He cited case law, *Katz v. United States*, *Arizona v. Hicks*, and *Collins v. Virginia*, regarding the Fourth Amendment. He also cited an Ohio Attorney General Opinion (98-018) allegedly regarding a township zoning inspector not being allowed to enter private property without a search warrant or consent.

He claimed to have witnessed “illegal searches” at his house and his father’s house, where a notice was attached to a side door. He claimed that these were civil rights violations and he cited federal law, 18 USC 241 and 42 USC 1985(3). He cited multiple Ohio Revised Code (ORC) sections, including: 2911.12, 2913.01, 2091.09, 505.86 and 2921.11.

Jeremy McCracken wrote, “You have carried out an egregious campaign of lawbreaking, power abusing, and rights violations, all while receiving a taxpayer salary, all while under oath of office, and all in a shockingly short period of time.” He mentioned the Ohio Attorney General’s Office and the U.S. Department of Justice and that he would “file charges” with them unless he received “no further notices” and if the cars were returned that had been “illegally removed.” Jeremy McCracken mentioned federal charges and qualified immunity. He wrote, “I urge you to weigh your options very carefully, and to decide if whatever end you’d hoped to achieve is worth the cost.”

Jeremy McCracken wrote about a “matter of public records.” He wrote, “Any comments you, or anyone in the township government, have made regarding your feelings about the people living



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in certain parts of the township would be brought to light. I'm sure the voting public would find these comments to be enlightening. Rest assured, if you force me to escalate this situation, I will not hesitate to point those groups in your direction. I'm sure you'll choose the wisest course of action."

Property Maintenance Investigation Forms

There were multiple property maintenance investigation forms related to 2347 East Waterloo Road. The dates of the forms were:

- August 3, 2022
- August 25, 2022
- September 2, 2022
- September 7, 2022

Zoning Complaint Form

There was a zoning complaint form related to 2347 East Waterloo Road on January 18, 2022.

Photographs of Vehicles at 2347 East Waterloo Road

There were photographs of the vehicles located at 2347 East Waterloo Road on January 12, 2022, and March 17, 2022.

News Article

There was a copy of a news article regarding the Springfield Township junk ordinance on November 12, 2021.

Summit County Ordinance

There was a copy of the Summit County Junk-Unlicensed Motor Vehicles Ordinance section included.



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STPD INVOLVED OFFICERS

The following section contains extremely abbreviated versions of Chief Simone's interview and Sgt. Gaffney's interview. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview. This section also contains information related to Chief Simone and Sgt. Gaffney.

STPD Chief Jack Simone Uniform During Incident

On October 5, 2022, SA Lieber took photographs of Chief Simone and the uniform he was wearing during the incident.



*Photo of Chief Simone after incident. Photo taken by BCI.
Source: BCI Investigative Report, "2022-10-05 Officer Documentation"*

STPD Chief Jack Simone Interview

On October 14, 2022, SA Moran and SA Clark interviewed Chief Simone at BCI. Chief Simone has worked in law enforcement for 27 ½ years. He was appointed as the STPD Chief of Police about 2 ½ years ago and he worked for the Copley Township Police Department for 25 years before being appointed as the STPD Chief of Police.



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Chief Simone was on-duty at the time of the incident and he was scheduled to work from 0730-1600 hours that day. He drove STPD cruiser 907, a marked STPD SUV, white colored, with an overhead lightbar. He wore a blue uniform shirt with STPD patches on the sleeves, a gold badge, a nameplate and blue uniform pants. His pistol was in a holster on his duty belt and he carried other common law enforcement equipment on his duty belt. He was not wearing a body-worn camera during the incident. He was not under the influence of any drugs or alcohol at the time of the incident. Chief Simone has no physical disabilities and wore his glasses during the incident.

Chief Simone said his Ohio Peace Officer Training Commission certificate is valid and current. Chief Simone was a member of the SWAT team for five years when he worked for the Copley Township Police Department and he received SWAT training during that time.

Chief Simone was involved with a shooting incident involving a dog in 2021, in Lakemore, Ohio. He has no prior discipline or complaints for any use-of-force incident in the past.

Chief Simone's duty pistol during the incident was a Smith & Wesson, M&P, .45 caliber. He is right-handed. He carried the pistol in a holster on the right side of his duty belt with one magazine with 9 cartridges in the pistol and one cartridge in the chamber. He carried two extra ammunition magazines with 10 cartridges each. He carried a total of 30 cartridges during the incident. He said the use-of-force training is online with the STPD and he last qualified with his pistol in late 2021.

Summary of Interview Regarding Incident

SA Moran asked Chief Simone to provide details about the incident on October 5, 2022.

Chief Simone said Springfield Township had been "dealing with" the owner and the junk vehicle for "quite a while." On October 5, 2022, Chief Simone and Trustee Kellie Chapman were driving around, and since the weather was nice, they decided to make arrangements to tow the junk vehicle off the property. He parked on Margaret Street and the junk vehicle was located in the yard on the north side of 2347 East Waterloo Road. Chief Simone said he exited the cruiser with Trustee Chapman.

Chief Simone called the towing company, Akron Coach, to check if they were available. Akron Coach indicated they were available and were heading to the location. Chief Simone said about two weeks before the incident, he called Akron Coach to respond and tow the vehicle, but they were unavailable.



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Chief Simone said he walked down to the area near the junk vehicle with Trustee Chapman. The vehicle was still there. Chief Simone walked back to the area near his cruiser, and a short time later, Akron Coach arrived and the tow truck driver, Justin Knox, parked the tow truck behind Chief Simone's cruiser.

Chief Simone and Justin Knox walked to the area near the junk vehicle and had to remove some of the plywood surrounding three sides of the vehicle. Chief Simone said that during the time between his last visit and the date of the incident, someone stacked logs near the rear of the junk vehicle. Chief Simone and Justin Knox removed the logs and plywood surrounding the junk vehicle. They also removed some concrete blocks from the top of the junk vehicle. They also removed the black tarp covering the junk vehicle, but realized someone had "tie wired" the tarp to the vehicle.

Chief Simone said he believed the house at 2347 East Waterloo Road was vacant and had been vacant for some time. Chief Simone said Justin Knox went back to his tow truck, obtained some wire cutters and walked back to the junk vehicle to remove the wires from the tarp. They noticed the vehicle's trunk was ajar.

Chief Simone stated, "And then that's when I heard the shots fired. I was shocked and honestly, for a minute, it didn't register that this guy was actually shooting at us." Chief Simone said the male was standing on the back porch of the residence. Chief Simone saw the male was wearing a red shirt and had a gun and was shooting at them.

Chief Simone knelt down and Justin Knox "dropped to ground" near the rear of the junk vehicle. Chief Simone recalled firing "two shots at him" while he was on the porch. The male left the porch and moved to his right. Chief Simone said there were shrubs, grass and trees between him and the male subject at that time. Chief Simone yelled at Justin Knox and told him to run toward Margaret Street.

Chief Simone saw Sgt. Gaffney running into the yard from Margaret Street. Chief Simone marked on the overhead map where he was standing and where Sgt. Gaffney moved to. Chief Simone heard Sgt. Gaffney radio about the incident. Sgt. Gaffney moved to an area to the left of Chief Simone and asked, "Where is he?" Chief Simone told Sgt. Gaffney where he saw the male subject moving.



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Sgt. Gaffney moved left, and Chief Simone left cover and moved left. Chief Simone could see the subject's red shirt as he moved behind the bushes. Chief Simone stated, "So I know I fired once at least, maybe twice, at his, at him going through the bushes 'cause, like I said, I could see his red shirt."

Chief Simone moved left and saw the male subject lying on the ground. Chief Simone said he handcuffed the subject. The male subject was still "breathing" and "moaning." Chief Simone rolled the male subject onto his right side and could see a bloodstain near the subject's right abdomen. Chief Simone heard the ambulance sirens in the area. Sgt. Gaffney stayed with the subject, and Chief Simone moved to the area near Margaret Street to direct the ambulance into the scene.

SA Moran asked Chief Simone about what he saw when he observed the male subject on the porch. Chief Simone demonstrated by raising both arms and hands in front of him, as if holding and pointing a pistol. Chief Simone said the male subject was holding a "large firearm." Chief Simone continued, "I could see both hands on the gun and pointed at me from the porch."

SA Moran asked, "What, what did you, I guess, what did you think this person was trying to, to do to you?" Chief Simone responded, "Um, I thought he was trying to kill me. Yeah, absolutely. One, honestly, it didn't register right away 'cause it wasn't a situation where I thought there would be deadly force used. Or, I would expect, I would have thought he would have yelled at us, or came out here, get off my property, some engagement, didn't say a word, just heard shots fired."

SA Moran asked Chief Simone if having the trustee and the tow truck driver at the scene factored into the scenario or added anything to the incident and what the subject was trying to do. Chief Simone confirmed that Trustee Chapman and Justin Knox were not armed during the incident. SA Moran asked, "So having them there with you does that add to any level of danger that you sensed or perceived?" Chief Simone answered, "After he started shooting? Of course. My primary thought at that time was getting Justin to safety. Because Justin was with me, he can't protect himself. That's one of the reasons I left cover behind the car exposing myself because I wanted to make sure Justin was off and safe. And I didn't know where Kellie was." Chief Simone last recalled that Trustee Chapman was near Margaret Street, while talking on her cell phone.

SA Moran asked Chief Simone what his point-of-aim was during the incident. Chief Simone stated, "I was just aiming in his direction at him. Yeah, it happened so fast, I guess I just, I just



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reacted and I wanted to fire some down there to stop him from shooting back at us so, um, I just remember kneeling down, I really didn't, I didn't use my sights, I just, I remember seeing the top of the gun for whatever reason, no, my gun, I remember seeing the top of the gun. I don't know why I remember that, but I remember seeing the top of the gun when I fired. I know I didn't use the sights because it happened so quick. I just wanted react and get some rounds in his direction." Chief Simone said he did not recall drawing his pistol from the holster. He recalled firing two shots at the male subject while he was on the porch and fired again as the subject moved to his right.

SA Moran asked Chief Simone if he believed that his shots struck the subject. Chief Simone responded, "I have no idea." SA Moran asked Chief Simone if he provided any verbal commands during the incident. Chief Simone said he believed that he told the subject, "Put the gun down. Go in the house." The subject did not comply. Chief Simone said he provided the verbal commands twice after the subject fired the initial shots.

Summary of Interview Regarding Zoning-Related Matters

SA Moran asked Chief Simone about prior contact with the subject, Jeremy McCracken. Chief Simone said he was unaware that Jeremy McCracken and Josh McCracken were twin brothers until after the incident. Chief Simone explained that when he became the STPD Chief, he assumed the responsibilities of dealing with junk vehicle and property maintenance issues in cooperation with the zoning department. Chief Simone said the zoning department provides him with a list of issues in the township. He said the initial property issues with the McCracken's occurred at 417 Edith Avenue. He said the zoning department had been communicating with the McCracken's about property issues since 2017.

Chief Simone said he authorized two vehicles to be towed from 417 Edith Avenue in 2021. He said the property was in terrible condition. Chief Simone described an orange placard that provides notice of the property issues to the owners of the residence. He placed placards on the residence at 417 Edith Avenue but did not receive a response, so both vehicles were towed. Chief Simone said he was initially unaware of Jeremy McCracken because most of the correspondence was to his father, Larry McCracken.

Chief Simone said in February 2022, he placed an orange placard on Jeremy McCracken's residence at 2347 East Waterloo Road about the junk vehicles. A letter was also sent to the residence. Nothing occurred because it was winter and they did not want to damage the property. The Spring season was too wet to tow the vehicle. Akron Coach was contacted a few times, but they were unavailable to tow the vehicle.



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Chief Simone said a certified letter was sent in the Spring of 2022, indicating that the vehicle was to be removed within 10 days, and if not, it would be removed by the STPD. There was an option of a hearing with the zoning department, and Jeremy McCracken responded and communicated with the zoning department.

Chief Simone said the zoning administrator, Alan Swift, was communicating with Jeremy McCracken and possibly an attorney representing him. Jeremy McCracken attended a zoning meeting on September 18, 2022, for a hearing about the junk vehicle at the property. Chief Simone said since the certified letter was sent to the residence, the plywood appeared around the vehicle.

Chief Simone said during the meeting on September 18, 2022, he met Jeremy McCracken for the first time. The Board of Trustees explained to him the Summit County Ordinance regarding junk vehicles that is utilized by the township. They explained that the vehicle needs to be operable, it has to have license plates or it has to be in enclosed storage. They explained that the plywood around the vehicle does not count as an enclosed storage space. The zoning administrator, Alan Swift, told Jeremy McCracken the same thing.

Chief Simone stated, “And then Jeremy asked me, the only communication I had with Jeremy was, he says, ‘Well, how do you know it’s a vehicle?’ ‘Cause it’s covered in a tarp.’ I’m like, ‘Cause it’s a vehicle.’ He said, ‘Did you remove the tarp?’ He was really, it seemed like that to me he was focused on that, ‘Did you remove the tarp?’ I’m like, ‘No, I didn’t remove the tarp.’ ‘Well, then how did you know it was a vehicle?’ I said, ‘Cause it looks like a vehicle.’ The tires were exposed. The bottom half of the vehicle was exposed. So, that was really all the communication.” Chief Simone said the Board of Trustees allowed for two more weeks to remove the vehicle at the meeting.

SA Moran asked Chief Simone about the legal authority to remove the vehicle. Chief Simone said junk vehicles fall under law enforcement and not zoning. Chief Simone said there were two laws that could be used. One was in the Ohio Revised Code and the other was a Summit County Ordinance. Chief Simone said the Summit County Ordinance “seemed to work better” for the junk vehicle issues in Springfield Township.

Chief Simone said the Summit County Ordinance provided authority for the sheriff or the chief of police to “go on people’s property and inspect junk vehicles.” The ordinance also provides protocol for how to remove the junk vehicle if it is not addressed. If the issue is not handled, a



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certified letter must be sent and the owner is given “five days” to handle the junk vehicle issue and after the five days expires, the sheriff or chief of police has the “authority to go on the property and remove the vehicle.”

SA Moran asked about the vehicle being in a yard, a fenced yard or a garage. Chief Simone explained that the ordinance requires the vehicle to be operable, have a current registration or be in an enclosed structure. Chief Simone said if the vehicle was in an enclosed garage, the ordinance could not be enforced. He said if the vehicle was in a fenced yard, but not in an enclosed garage, the ordinance could still be enforced.

SA Moran asked Chief Simone about the junk vehicle being covered with the tarp and plywood, and if he believed that Jeremy McCracken was trying to “circumvent the ordinance for that.” Chief Simone replied, “I believe so initially.” He explained when they met with Jeremy McCracken at the meeting, they explained that the plywood did not constitute an enclosed structure.

SA Moran asked Chief Simone about Jeremy McCracken’s behavior at the meeting. Chief Simone responded, “He did seem strange.” Chief Simone said that Trustee Chapman believed Jeremy McCracken was “acting strange.” Chief Simone said Jeremy McCracken was not threatening at the meeting and seemed intelligent. Chief Simone said the letter that Jeremy McCracken wrote was intelligent and he was quoting law. Chief Simone said another board member, Terry Robinson, “seemed uncomfortable with Jeremy there that day.”

SA Moran asked Chief Simone about the Summit County Ordinance, and if the vehicle could be removed by a tow truck if it did not meet the three requirements. Chief Simone replied, “Yes.”

SA Clark asked Chief Simone about the Summit County Ordinance. Chief Simone said he brought a copy of the ordinance. He provided the copy to BCI agents.

STPD Chief Jack Simone Training File

SA Moran received training records for Chief Simone from Det. Scherer and the OPOTC. SA Moran reviewed the records and noted the following:

Training Log – STPD Chief Jack Simone

On October 11, 2022, SA Moran received training log records for Chief Simone from Det. Scherer. The training log document consisted of five pages. This list showed training classes and



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records obtained by Chief Simone. The following training classes were likely relevant to the incident:

DATE	TRAINING
3/13/1993	Ultron II Non-lethal Electronic Immobilization Device
2/27/1993	ASP Tactical Baton
8/30/1999	DEF-TEC Pepper Spray
4/9/2004	Basic SWAT School, Metro SWAT
3/10/2004	Officer Safety
9/7/2004	Basic Patrol Rifle/MP5
7/28/2005	Warrant Service Tactical Training
5/7/2006	Tactical Shooting
8/11/2008	Taser X26
10/17/2008	Police Use of Force
10/17/2008	Officer Ambushed
10/4/2012	Profile of an Active Shooter
12/6/2012	Use of Force Liability and Standards
7/1/2014	Bachelor of Science, Criminal Justice
	Administration
9/30/2014	Crisis Intervention Team Training
2/25/2016	Police Use of Force
4/25/2017	Practical Application of Force
1/9/2017	Defensive Tactics Training
7/21/2018	Taser X26
8/27/2021	Tactical Patrol Considerations
1/1/2020 – 1/30/2021	Use of Force

List of relevant training classes for STPD Chief Simone.

Source: BCI Investigative Report, “2022-10-11 Training File Receipt and Review – STPD Chief Jack Simone”

Firearms Qualification Records

On October 14, 2022, SA Moran received firearm qualification records from STPD Det. Scherer, via email. The records were for STPD Chief Simone. Det. Scherer noted that Chief Simone had not yet qualified in 2022.

Chief Simone qualified on September 20, 2021, with his Smith & Wesson M&P model pistol with serial number [REDACTED]

Ohio Peace Officer Training Commission/Academy Records

On October 20, 2022, SA Moran received Ohio Peace Officer Training Certification (OPOTC) and Academy (OPOTA) records for Chief Simone from OPOTC Professional Standards. SA Moran reviewed the records and noted the following:



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Basic Training

Chief Simone attended the academy from 8/26/1991 to 1/27/1992, at SACS Consulting and Training Center, Inc. His certificate date was 10/30/1992, and his certificate number was 921836.

Employment History

Chief Simone was employed by the Twinsburg Township Police Department from 9/15/1992 to 3/1/1998. Chief Simone was employed by the Copley Township Police Department from 2/25/1993 to 1/30/2020. Chief Simone has been employed by the STPD since 2/1/2020.

Training

There were multiple trainings listed. SA Moran noted the following training classes that were likely relevant to the incident:

DATE	TRAINING
5/31/2012	Understanding and Working with Difficult People
1/1/2016	Policing in the 21 st Century: Use of Force and De-Escalation Webcast
3/10/2004	Officer Safety
7/23/2013	Judgmental Firearms Simulator
12/6/2012	Use of Force, Liability and Standards
7/18/2012	FBI-LEOKA Officer Safety/Street Survival
10/4/2012	Profile of an Active Shooter
3/19/2019	2017 Legal Update: Search and Seizure Law

List of relevant training classes for STPD Chief Simone.

Source: BCI Investigative Report, "2022-10-11 Training File Receipt and Review – STPD Chief Jack Simone"

Based on the records received, it is noted that Chief Simone was a duly certified and sworn Ohio Peace Officer at the time of the incident.

STPD Chief Jack Simone – Copley Township Police Department Personnel File

On December 12, 2022, SA Valente received a copy of the personnel file for Chief Simone from the Copley Township Law Director, as Chief Simone spent the majority of his career employed by the Copley Township Police Department.

Ohio Peace Officer Commission/Appointment History

Chief Simone obtained his Ohio Peace Officer Certification from the SACS Law Enforcement



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Academy in February 1992 (O.P.O.T.A. Class 91-063).

Chief Simone began his law enforcement career on September 15, 1992, with the Twinsburg Police Department as a reserve officer. Shortly thereafter, on March 10, 1993, Chief Simone joined the Copley Township Police Department. Chief Simone was originally hired by the Copley Township Police Department as a probationary part-time officer and, later, full-time officer. The Twinsburg police chief provided a positive reference for Chief Simone at the time he was hired by the Copley Township Police Township Department. Chief Simone continued to work for the Copley Police Department, where he was promoted to the rank of lieutenant, until resigning on January 21, 2020, having accepted the position of chief of police in Springfield Township.

Training

Chief Simone has attended a significant amount of continued professional training classes throughout his career related to various law enforcement topics and areas of study. Relevant training classes are listed below:

- 40 Hours Basic SWAT School - 04/09/2004
- Officer Safety – 03/10/2004 through 03/11/2004
- Tactical Shooting – 05/07/2006 through 05/10/2006
- Officer Ambushed – Mike Sawyer Incident – 10/17/2008
- Police Use of Force, Part 1 – 10/17/2008
- Taser X26 – 08/11/2008
- Profile of an Active Shooter – 10/04/2012
- FBI-LEOKA Officer Safety/Street Survival – 07/18/2012
- Use of Force Liability and Standards – 12/06/2012
- Management of Multi-Fatality Crime Scenes – 02/06/2013
- Judgmental Firearms Simulator – 07/23/2013 through 07/25/2013
- Police Use of Force – 02/25/2016
- Policing in the 21st Century: Use of Force and De-Escalation – 08/01/2016
- Practical Application of Force – 04/24/2017
- Taser Conducted Electrical Weapon (Written Examination) – 07/21/2018

Other Notable Findings

Chief Simone's personnel file contained no records of any discipline.



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STPD Sgt. Joe Gaffney Uniform During Incident

On October 5, 2022, SA Lieber took photographs of Sgt. Gaffney and the uniform he was wearing during the incident.



*Photo of Sgt. Gaffney after incident. Photo taken by BCI.
Source: BCI Investigative Report, "2022-10-05 Officer Documentation"*

STPD Sgt. Joe Gaffney Interview

On October 17, 2022, SA Moran and SA Clark interviewed Sgt. Gaffney. He was accompanied by his attorney, Tom Hanculak.

Sgt. Gaffney has been employed by the STPD since 1998. He has been a law enforcement officer since 1994.

Sgt. Gaffney was on-duty at the time of the incident. His scheduled shift was 0800-2000 hours. He drove STPD cruiser 910, a marked STPD Dodge Durango, with an overhead lightbar. He wore blue uniform pants, boots, a polo shirt with STPD patches on each sleeve, an outer vest with badge, nameplate, and POLICE on the back. His pistol was in a holster on his duty belt and he carried other common law enforcement equipment on his duty belt and external vest. He was wearing a body-worn camera (BWC) during the incident but it was not operating during the

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incident. He said BWC 148 was not charged upon arrival for his shift. He used BWC 211 at 0800 hours. He attempted to activate the BWC immediately after the incident and the BWC was not operational (possibly only operates with charge for three to four hours). He was not under the influence of any drugs or alcohol at the time of the incident. Sgt. Gaffney has no physical disabilities and wore his glasses during the incident.

Sgt. Gaffney said his Ohio Peace Officer Training Commission certificate is valid and current. He recently retired as Commander of METRO SWAT. He has been CIT (Crisis Intervention Team) certified since 1999. He is a firearms instructor. He has received tactical training. He is a physical fitness instructor. He attended basic SWAT class, advanced tactics SWAT class, SWAT team leader class, SWAT breacher class, SWAT negotiator class, SWAT assistant team leader class and SWAT commander class.

Sgt. Gaffney explained that he was shot while on-duty after responding to a domestic violence call in 2006. The subject lunged at Sgt. Gaffney with a knife and Sgt. Gaffney tried to use a Taser on the subject, but it failed. Another officer fired at the subject and Sgt. Gaffney was struck in the hand. With METRO SWAT, Sgt. Gaffney was involved in situations where other people and subjects have fired, but Sgt. Gaffney had never fired or shot someone prior to this incident.

Sgt. Gaffney's duty pistol during the incident was a Springfield, 1911, .45 caliber. He is right-handed. He carried the pistol in a holster on the right side of his duty belt with one magazine with seven cartridges in the pistol and one cartridge in the chamber. He carried three extra ammunition magazines with seven cartridges each. He carried a total of 29 cartridges during the incident. He said he received use-of-force training annually with the STPD and he last qualified with his pistol in August/September 2022.

Summary of Interview Regarding Incident

SA Moran asked Sgt. Gaffney to provide details about the incident that occurred on October 5, 2022.

Sgt. Gaffney said he was completing a shoplifting report at Walmart, when he heard Chief Simone radio about being at 2347 East Waterloo Road in reference to a junk vehicle. Sgt. Gaffney heard Chief Simone radio and request a tow truck. Sgt. Gaffney explained that he was aware of the residence, but he did not know that anyone lived there. There was past history of towing vehicles from the residence and had nuisance and junk complaints in the past. In the



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STPD patrol room, there was a letter posted from the owner of the property, and it indicated that they did not want the police on the property and the police were trespassing.

Sgt. Gaffney decided to drive to the location because of the past issues, and the fact that Chief Simone had been at the scene for about 20 to 25 minutes. Sgt. Gaffney arrived in the area and saw Chief Simone's cruiser parked on Margaret Street. Sgt. Gaffney drove north on Mohawk Trail, south on Tritt Drive, and parked behind Chief Simone's cruiser. Sgt. Gaffney saw a tow truck backed up to a car that had been covered with tarps.

Sgt. Gaffney stated, "So, as I pulled up to here, as I was getting out of the car, that's when I heard clearly, loud gunshot." Sgt. Gaffney saw Trustee Kellie Chapman in front of him and she was running quickly. Sgt. Gaffney said he saw "fear" on her face. Sgt. Gaffney heard someone yell, "Hey!" Sgt. Gaffney thought that Chief Simone had been shot.

Sgt. Gaffney ran south into the yard with his pistol drawn. He saw Chief Simone kneeling on one knee behind some shrubs. Sgt. Gaffney approached Chief Simone and said, "What do we got Chief? What do we got?" Chief Simone responded, "I don't know yet." Sgt. Gaffney said another gunshot "rang out" at that time. Sgt. Gaffney could tell it was coming from the residence, but he could not see who was firing.

Sgt. Gaffney knelt down and realized that they had "concealment, not cover." Sgt. Gaffney heard another gunshot fired at that time. Sgt. Gaffney was concerned about being shot and Chief Simone being shot.

Sgt. Gaffney stated, "Well, I just saw the silhouette of a subject moving quick. Um, and it was quick. Um, he was wearing a red shirt. He was moving around. He would have been moving around to his right, my left." Sgt. Gaffney said he could see the subject's red shirt through the foliage, and he "could see him carrying a gun in his hand."

Sgt. Gaffney stood up and the subject fired another gunshot as he came around the bushes and trees. Sgt. Gaffney said he then fired two rounds and he was "point shooting." Sgt. Gaffney said he could tell the subject had a revolver and it was a "big gun." Sgt. Gaffney demonstrated and held his hands out and operated a "hammer" of a revolver.

Sgt. Gaffney said he used his sights and fired two more gunshots at the subject. Sgt. Gaffney said he moved to his left and Chief Simone was to his right. He was unsure if Chief Simone fired during the incident. Sgt. Gaffney said the subject "dropped at one point," and "he still had the



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gun” as he went to the ground.

Sgt. Gaffney said he was “screaming” while providing verbal commands, such as, “Put the gun down! Drop the gun!” Sgt. Gaffney and Chief Simone approached the subject while he was on the ground. Sgt. Gaffney said the subject “still had the gun in his hand and he was still moving.” Sgt. Gaffney said he “kicked the gun away” and Chief Simone handcuffed the subject. They radioed about the shots being fired and the need for an ambulance. Sgt. Gaffney said the ambulance arrived quickly, and he uncuffed the subject for further medical treatment. The subject was still breathing and his eyes were open. Paramedics loaded the subject into the ambulance, and they transported him to the hospital. Sgt. Gaffney recalled seeing the revolver in the grass and the “hammer was still locked back on it.”

SA Moran asked Sgt. Gaffney what he believed would have happened to him, Chief Simone or anyone else if the situation continued. Sgt. Gaffney explained that he has been shot at before. Sgt. Gaffney believed that when he was next to Chief Simone, near the bushes, he believed he was going to be shot. He also believed that Chief Simone had been shot when he saw Trustee Chapman running and Chief Simone kneeling on the ground. Sgt. Gaffney stated, “And then when he came around that bush, you know, and I’ve never had somebody running after me with a gun. Or coming around and shooting in that close proximity with a gun. I’m thinking, ‘This is it.’ I was anticipating taking a round. And then when he got a second shot off I don’t know how I wasn’t hit. I mean, he was, I don’t know, I mean, that was big gun but, I don’t know how I wasn’t hit but, I thought we were going to get shot.” Sgt. Gaffney confirmed that the subject was pointing the pistol at him.

SA Moran asked Sgt. Gaffney if he believed his shot(s) struck the subject. Sgt. Gaffney believed one or more of his shots struck the subject because the subject dropped after he fired his third and fourth shot.

STPD Sgt. Joe Gaffney Training File

SA Moran received training records for Sgt. Gaffney from Det. Scherer and the OPOTC. SA Moran reviewed the records and noted the following:

Training Log – STPD Sgt. Joe Gaffney

On October 11, 2022, SA Moran received training log records for Sgt. Gaffney from Det. Scherer. The training log document consisted of eight pages. This list showed training classes and records obtained by Sgt. Gaffney. The following training classes were likely relevant to the incident:



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DATE	TRAINING
1/25/1993 – 4/21/1993	Basic Training Academy
4/9/1993	ASP Tactical Baton
10/26/2001	Appointment to Metro CRRT
1/15/2004	Taser X26 & M26
4/9/2004	Basic SWAT School
9/7/2004	Basic Patrol Rifle/MP5
2/25/2005	Taser X26 & M26
2/24/2006	Taser X26/Advanced Taser M26 Certification
11/8/2006	Tactical First Responder
8/27/2007	Physical Fitness Specialist
2/10/2008	Taser X26
4/1/2008	Advanced Tactical Training
2/3/2009	Taser X26
7/20/2009	Patrol Rifle Training
1/9/2010	Taser X26
1/22/2011	Taser X26
12/5/2011	Tactical Team Leader/Operations Planning Course
12/19/2011	Physical Fitness Staff, METRO SWAT Team
12/19/2011	Assistant Team Commander, Metro SWAT Team
5/21/2012	Advanced Tactical Training
7/3/2012	Firearms Weapon Training & Requalification Instructor
10/7/2013	Police Rifle Carbine Instructor
4/7/2014	Semi-Auto Pistol Instructor
12/20/2014	Taser X26
10/13/2016	Renewal Law Enforcement Firearms Requalification Instructor
11/28/2016	Taser X26
2017	Precision Rifle, OC Chemical Spray, Conducted Electrical Weapon (Taser)
1/1/2018 – 1/16/2019	Annual Conducted Electrical Weapon (CEW) User Update
1/1/2018 – 1/16/2019	Precision Semi Auto Pistol and Rifle Training
1/1/2018 – 1/16/2019	Use of Force Policy
8/23/2019	Precision Semi Auto Pistol and Rifle Training



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9/29/2019	Annual Firearms Qualifications
10/3/2019	Use of Force Policy
10/3/2019	Active Shooter: Recognition and Basic Response
12/25/2019	Annual Conducted Electrical Weapon (CEW) User Update Version 21
1/19/2021	Annual Conducted Electrical Weapon (CEW) User Update Version 22
7/31/2021	Tactical Patrol Considerations
12/20/2021	Annual Conducted Electrical Weapon (CEW) User Update Version 22
1/1/2020 – 1/30/2021	Use of Force Policy
	Use of Force
	Annual Conducted Electrical Weapon (CEW) User Update Version 22 Effective: June 22, 2020

List of relevant training classes for STPD Sgt. Gaffney..

Source: BCI Investigative Report, “2022-10-11 Training File Receipt and Review – STPD Sgt. Joe Gaffney”

Firearms Qualification Records

On Friday, October 14, 2022, SA Moran received firearm qualification records from Det. Scherer, via email. The records were for Sgt. Gaffney. SA Moran reviewed the records and noted the following:

Sgt. Gaffney qualified with his Springfield, 1911 model pistol, with serial number [REDACTED] on September 2, 2022, and on September 20, 2021.

Ohio Peace Officer Training Commission/Academy Records

On October 20, 2022, SA Moran received Ohio Peace Officer Training Certification (OPOTC) and Academy (OPOTA) records for Sgt. Gaffney from OPOTC Professional Standards. SA Moran reviewed the records and noted the following:

Basic Training

Sgt. Gaffney attended the academy from 1/25/1993 to 4/21/1993, at the University of Akron. His certificate date was 5/26/1994, and his certificate number was 940971.



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Employment History

Sgt. Gaffney was employed by the Mogadore Police Department from 4/21/1994 to 2/20/2002. Sgt. Gaffney has been employed by the STPD since 5/21/1998.

Training

There were multiple trainings listed. SA Moran noted the following training classes that were likely relevant to the incident:

DATE	TRAINING
8/27/2007	Physical Fitness Specialist
4/8/2010	Understanding and Working with Difficult People
7/3/2012	Firearms Weapon Training and Requalification Instructor
10/7/2013	Police Rifle Carbine Instructor
4/7/2014	Semi-Auto Pistol Instructor
6/11/2022	Crisis Intervention

List of relevant training classes for STPD Sgt. Gaffney..

Source: BCI Investigative Report, "2022-10-11 Training File Receipt and Review – STPD Sgt. Joe Gaffney"

Based on the records received, it was noted that Sgt. Gaffney was a duly certified and sworn Ohio Peace Officer at the time of the incident.

STPD Sgt. Gaffney – Personnel File

On November 17, 2022, SA Valente received the personnel file for Sgt. Gaffney. SA Valente reviewed the records and noted the following:

Ohio Peace Officer Commission/Appointment History

Sgt. Gaffney obtained his Ohio Peace Officer Certification after attending the University of Akron Police Academy (Class 93-011) from January 1994 through May 1994.

Sgt. Gaffney was previously commissioned with the Mogadore Police Department from 4/21/1994 through 4/27/1995, as a commissioned reserve officer.

Sgt. Gaffney previously worked for the Brimfield Township Police Department from 11/30/1994 through 6/10/1998, as a full-time police officer.



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Sgt. Gaffney was appointed to a full-time police officer with the STPD on 6/10/1998.

Other Notable Findings

On October 26, 2001, Gaffney was appointed to the Metro Critical Response and Rescue Team as a Tactical Officer.

On December 19, 2002, Gaffney was promoted to the rank of sergeant within the Springfield Township Police Department.

On December 19, 2011, Gaffney was promoted to the position of Assistant Team Commander of the Metro SWAT Team. Metro Swat Commander Lieutenant Film wrote in a letter detailing the promotion, "You have continuously guided our younger operators in a positive manner as a Team Leader as instructor through training and led by example on callout activations. It is this dedication and commitment that qualifies you for the position of Assistant Team Commander."

Sgt. Gaffney's personnel file contains numerous letters of commendation for work he has performed as a police officer and police supervisor. These letters of commendation came from a variety of sources, to include: the STPD, other law enforcement organizations and members of the public.

Sgt. Gaffney's personnel file contained no record of discipline for use of force.



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SUBJECT INFORMATION – JEREMY MCCRACKEN

This section contains information about the subject, Jeremy McCracken.

Springfield Township Fired Department Report – Jeremy McCracken

On October 20, 2022, SA Snyder received a copy of the Springfield Township Fire Department (STFD) report for the incident that occurred on October 5, 2022. SA Moran reviewed the report and noted the following:

The EMA report listed the date and time of the incident as October 5, 2022, at 1137 hours. The scene arrival was 1140 hours, departure for the hospital was 1147 hours, and the arrival at the hospital was 1158 hours. The STFD incident number was 22-02219-1.

The location of the incident was correct, 2347 East Waterloo Road, but the person listed, “Joshua McCracken,” was incorrect. The “Chief Complaint” was a “GSW to abdomen.” The patient was Jeremy McCracken and he was transported to Summa Hospital.

Hospital Response – Summa Systems, Akron Campus

On October 5, 2022, SA Snyder responded to the hospital, Summa Systems – Akron Campus, and learned that the subject was deceased. The hospital had him incorrectly identified as “Joshua McCracken.” The subject was correctly identified later as Jeremy McCracken. The decedent had sustained a single ballistic wound to the approximate center anterior high abdominal/lower chest area with no apparent exit wound.

Autopsy Attended

On October 6, 2022, SA Snyder attended the autopsy of Jeremy McCracken at the Summit County Medical Examiner’s Office. The autopsy revealed that Jeremy McCracken sustained a single gunshot wound in the lower chest/upper abdomen that ballistically penetrated the aorta and came to rest in the lower left abdominal cavity, where the ballistic evidence was recovered. Multiple evidence items, including a projectile, were provided to SA Snyder for transport to BCI.

Autopsy Report and Results

As of the date of this summary report, the autopsy report has not yet been completed by the Summit County Medical Examiner’s Office.



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Computerized Criminal History (CCH)

[REDACTED]

Ohio Law Enforcement Gateway (OHLEG)

[REDACTED]

Federal Court Case

A federal court case, *McCracken v. Springfield Township, Summit County, Ohio et al.*, was obtained. The federal court case was in the U.S. District Court for the Northern District of Ohio. It listed Jeremy McCracken's name and Springfield Township, the Springfield Township Police Department, Kellie Chapman, Joe DiLauro, Dean Young, Allan Swift and Jack Simone. The court case number was 5:2022CV01413. The federal statute listed was 42 U.S.C. § 1985 Conspiracy to Interfere with Civil Rights.

The docket report listed five filings. The first was filed by Jeremy McCracken of a complaint against Kellie Chapman, Joe DiLauro, Jack Simone, Springfield Township Police Department, Allan Swift, Township of Springfield, Summit County, Ohio, and Dean Young.

Filing three was a motion for a temporary restraining order by Jeremy McCracken.

Filing four stated, "Memorandum of Opinion and Order For the reasons set forth herein, Plaintiff's Motion to Proceed In Forma Pauperis (ECF No. #2) is granted, his Motion for Temporary Restraining Order (ECF No. #3) is denied, and this action is dismissed pursuant to 28 U.S.C. 1915(e). The Court certifies, pursuant to 28 U.S.C. 1915(a)(3), that an appeal from this decision could not be taken in good faith."

Filing five stated, "Judgment Entry For the reasons stated in the Court's Memorandum of Opinion and Order, this action is dismissed pursuant to 28 U.S.C. 1915(e). Further, the Court certifies pursuant to 28 U.S.C. 1915(a)(3) that an appeal from this decision could not be taken in good faith. Judge Benita Y. Pearson on 8/31/2022."

Personal Website

Jeremy McCracken had a personal website, mccracken.itgo.com/contact.html. It provided some background information about Jeremy McCracken. It also provided his political views about a



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variety of topics. It stated the following, “I’m also a big opponent of the improper use of eminent domain, and I am a member of the Castle Coalition, a PAC based on limiting the use of eminent domain.”

YouTube

On November 7, 2022, SA Moran reviewed Jeremy McCracken’s YouTube account at youtube.com/c/JeremyMcCracken/featured. There were multiple videos of sounds. There were two videos about the police radio traffic from a search for the Boston Marathon bomber. There was one video about the air traffic recording from Unit Air Flight 93 on September 11, 2001.

SA Moran screen recorded Jeremy McCracken’s YouTube account, including the Home tab, Videos tab, Playlists tab, Community tab, channels tab and About tab, and some samples of the videos posted to the account. Many of the videos were of beeping sounds, “white-noise” style sounds and frequency sounds.

SA Moran screen recorded samples of three of the most recently posted/uploaded videos. The screen recording was 4 minutes and 40 seconds long (04:40). The videos were titled:

- Squeaky Wheel New Frequency

This video was posted four months ago. It was 49 seconds long (00:49). The video had frequency and beeping sounds repeating for the duration. The video had words on the screen stating:

SQUEAKY WHEEL
XSW / S32

NEW FREQUENCY
3367 KHz AM

RECORDED
18:25 EDT / 22:25 GMT
6 JULY 2022

RECORDED FROM
RW3PS’ Tula WebSDR
Tulasdr.fvds.ru
youtube.com/JeremyMcCracken

- SDR waterfall messages on The Buzzer UVB-76



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This video was posted eight months ago. It was 7 minutes and 57 seconds long (07:57). It had various frequency sounds set to a visualization graphic. The description of the video stated, “Example of signals broadcast in opposition to Russian activities re: Ukraine in 2022. These signals are structured specifically to display pictures in ‘waterfall’ displays of software defined radios (SDRs).”

- Buzzer and Pip sound changes 2022

This video was posted 9 months ago. It was one minute long (1:00). The video had frequency and beeping sounds repeating for the duration. The video had words on the screen stating:

THE BUZZER
4625 KHz AM
13 JANUARY 2022
3:00 GMT / 22:00 EST

Starting in early January 2022, The Buzzer’s sound changed to a beep, similar to its sister station: The Pip

Changes in its sound had already been noticed in the previous year.

THE PIP
3756 KHz AM

At the same time The Buzzer’s sound changed to be more like The Pip, The Pip’s sound changed to be more like The Buzzer.

Twitter

Jeremy McCracken had a Twitter account. There were multiple retweets of firearm-related tweets. Jeremy McCracken also tweeted about firearms. He also tweeted about the officer-involved shooting in Akron involving Jayland Walker.

Database Searches

An Accurant report, a LexisNexis report and a CLEAR report for Jeremy McCracken were obtained and reviewed. The reports listed possible addresses, relatives, associates and other information.



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Firearm Information

On October 31, 2022, SA Moran received a “Firearms Trace Summary” report from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The report contained information about the firearm that Jeremy McCracken possessed and discharged during the incident on October 5, 2022. SA Moran reviewed the report and noted the following:

FIREARM INFORMATION	
Manufacturer:	RUGER
Model:	NEW MODEL BLACKHAWK
Caliber:	45
Serial Number:	46-04318
Type:	REVOLVER
Country:	UNITED STATES

DEALER INFORMATION	
FFL:	82500087
CLEARFIELD HDWE CO INC	214 N WEST 4 TH STREET, CLEARFIELD, PA 16830
Phone:	N/A
Ship-To-Date:	11/14/1974

*ATF eTrace report information for Jeremy McCracken's revolver.
 Source: BCI Investigative Report, “2022-10-31 ATF and NCIC for Subject's Firearm”*

Additionally, a Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC) check of the firearm was conducted by the BCI Criminal Intelligence Unit to determine if the firearm was reported as stolen. According to the NCIC records check, the firearm was not reported as stolen at the time of the incident.



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ELECTRONIC EVIDENCE

This section contains information about electronic evidence recovered and reviewed during the investigation.

Cell Phone – Jeremy McCracken

On October 5, 2022, a search warrant was obtained and served at Jeremy McCracken's residence after the incident. A UMX brand cell phone was collected as BCI Matrix Evidence Item 012.

On October 7, 2022, SA Moran obtained a search warrant for analysis of the cell phone and submitted it to the BCI Cyber Crimes Unit (CCU).

On November 4, 2022, SA Moran received DVDs containing BCI CCU Attachments A-D. In addition to the DVDs, SA Moran received a copy of BCI Computer Forensic Specialist (CFS) Natasha Branam's Analysis Report.

CFS Branam's Analysis Report documented the details of the cell phone and what each BCI CCU Attachment contained. CFS Branam's Analysis Report was attached to this report. [REDACTED]

[REDACTED] Please refer to CFS Branam's Analysis Report titled, "Analysis of Item 12 – Cell Phone," for additional details.

SA Moran reviewed each BCI CCU Attachments and noted the following:

Attachment A

Item 12 Calendar Events

This was a Microsoft Excel spreadsheet. [REDACTED]

Item 12 Call History

This was a Microsoft Excel spreadsheet. [REDACTED]

Item 12 Searched Items

This was a Microsoft Excel spreadsheet. [REDACTED]



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Item 12 Web Bookmarks

This was a Microsoft Excel spreadsheet. [REDACTED]

[REDACTED]

Item 12 Web History

This was a Microsoft Excel spreadsheet. [REDACTED]

[REDACTED]

Attachment B

Chats – chats – Native Messages_Native – attachments 12

[REDACTED]

Chats – files – Image

[REDACTED]

Chats – Item 12 Chats

This was a PDF Cellebrite report for the Chats. It consisted of 133 pages. [REDACTED]

[REDACTED]

Emails – jeremy020202@gmail.com – Inbox

There were multiple emails in this folder. [REDACTED]

[REDACTED]

Attachment C

There were multiple images in this attachment, but they did not appear to be relevant to this incident.

Attachment D

This attachment consisted of the Cellebrite Reader report for the cell phone.



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VIDEO RECORDINGS

This section contains information about all of the video recordings that were obtained and reviewed during the investigation.

Home Surveillance Video – 1020 Tritt Drive

On October 5, 2022, SA Moran obtained home surveillance videos from Randi Hudak's residence located at 1020 Tritt Drive. SA Moran reviewed the video files and noted that none of the videos captured the moments immediately before, during and after the shooting. They showed the STPD cruisers at the scene but the view was mostly obscured by bushes and trees.

Home Surveillance Video – 1046 Mohawk Trail

On October 5, 2022, SA Armstrong obtained home surveillance videos from Andrea Dalton at her residence located at 1046 Mohawk Trail. SA Armstrong reviewed the video files and noted that the videos did not capture the shooting because the view was obscured by a shed between the residence and the area where the shooting occurred. The videos did capture audio recordings and the sounds of possible gunshots were heard.

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The date and timestamp on the video indicated the footage was captured beginning on 10/05/2022, at 11:35:01, through 11:36:00. The image below depicts the camera view on each of the recordings reviewed. The shooting occurred in the area behind the shed depicted on the left side of the image.



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Image from video at 1046 Mohawk Trail.

Source: BCI Investigative Report, "2022-10-05 Review Surveillance Video – 1046 Mohawk Trail"

- 11:35:39 – Possible first (1) gunshot followed by someone yelling (unintelligible)
- 11:35:44 – Possible second (2) gunshot
- 11:35:49 – Possible third (3) gunshot
- 11:35:51 – Possible fourth (4) gunshot
- 11:35:54 – Possible fifth (5) gunshot, Kellie Chapman seen walking backwards, away from the area where the shooting occurred
- 11:35:56 – Possible sixth (6) gunshot
- 11:35:57 – Possible seventh (7) gunshot

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The date and timestamp on the video indicated the footage was captured beginning on 10/05/2022, at 11:36:01, through 11:37:00. At 11:36:06, a second set of possible gunshots can be heard.

- 11:36:06 – Possible eighth (8) gunshot and ninth (9) gunshot
- 11:36:07 – Possible tenth (10) and eleventh (11) gunshot
- 11:36:08 – Possible twelfth (12) gunshot
- 11:36:09 – Possible thirteenth (13) gunshot

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11:36:10 – Possible fourteenth (14) gunshot

11:37:12 – A male voice was heard yelling, “Shots fired. Drop the gun! Drop the gun! Drop the gun! Drop the gun!”

(*Note – Based upon the evidence recovered and reviewed, it is believed that Jeremy McCracken fired six gunshots from his revolver, Chief Simone fired four gunshots from his pistol, and Sgt. Gaffney fired four gunshots from his pistol. This is a total of 14 gunshots during the incident.)

Cell Phone Video – Michael Holmes

On October 5, 2022, SA Armstrong obtained cell phone video from Michael Holmes. SA Armstrong reviewed each of the videos and noted the following:

- VID_20221005_113604708

The video was 55 seconds in length. It began depicting the yard on the south side of 1038 Mohawk Trail. A white police cruiser was parked on Margaret Street, facing east, and a red tow truck was backed into the backyard of 2347 E. Waterloo Road (Image 1). Five gunshots can be heard when the video began, and Michael is heard saying, “They’re shooting.”

At 0:03, when the gunfire stops, a male voice can be heard yelling, “Drop the Gun! Drop the gun! Drop the gun! Drop the gun!”

At 0:07, an officer can be seen moving southeast, near the back of the camper.

At 0:09, a second officer can be seen moving southeast, near the back of the camper.

At 0:18, Township Trustee Kellie Chapman was captured running in the side yard of 1038 Mohawk Trail. She told Michael she was with the cops and he told her to hide.

At 0:22, a male wearing a red shirt (likely the tow truck driver) was captured walking on the driver’s side and in front of the tow truck.

No other relevant information was captured.



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Image from cell phone video.

Source: BCI Investigative Report, "2022-10-05 Michael Holmes Cell Phone Video Review"

NEWS ARTICLES AND VIDEOS

This section contains information about news articles and videos obtained during the investigation.

[News Article – Cleveland 19 – 2022-10-07](#)

This news article was published on October 7, 2022. SA Moran created a PDF document of the news article. The article indicated that the subject, Jeremy McCracken, filed a federal civil rights lawsuit against Springfield Township two months before the incident. The lawsuit claimed that his Fourth Amendment right was being violated. A federal judge dismissed the lawsuit.

The article reported that Jeremy McCracken's twin brother, Josh McCracken, said their family has been harassed by Springfield Township for years over zoning violations. Josh McCracken



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stated, “He was someone with strong convictions and I think he got to the point where he was going to stand up for himself.” Josh McCracken claimed that Jeremy McCracken’s car was in good shape, but sat in the family’s yard for years. Josh McCracken stated, “It seems like an injustice, and I don’t know that I’m confident we’d get any recourse or anything, but just to get his story out there why this happened. This is something that shouldn’t have happened.” Josh McCracken also stated, “He was really upset about that because it’s just one of those things in life that’s not fair to do that and then they wanted to take his car. It was the only car he owned. They pretty much took everything he had.”

[News Video – Cleveland 19 – Springfield Township man killed in officer-involved shooting filed federal civil lawsuit 2 months prior – 2022-10-07](#)

This news video was embedded with the above described news article. SA Moran created a recording of the news video using the screen record function. The news video showed a phone call between the reporter and Josh McCracken. During the phone call, Josh McCracken stated, “He was someone with strong convictions and I think he got to the point where he was going to stand up for himself.” Josh McCracken stated, “He just wanted to be left alone was all it was, you know, they just wouldn’t.”

The news video showed an image of the federal civil rights lawsuit document. It was in the United States District Court for the Northern District of Ohio, Eastern Division. The case number was 5:22CV01413 and it was dismissed by Judge Benita Pearson on August 31, 2022.

Josh McCracken stated, “That was probably a last-ditch effort to try to save our home we grew up in ‘cause that was about all he could do.” Josh McCracken also stated, “He was really upset about that because it’s just one of those things in life that’s not fair to do that and then they wanted to take his car. It was the only car he owned. Pretty much took everything he had.”

[News Article – Cleveland 19 – 2022-10-10](#)

This news article was published on October 10, 2022. SA Moran created a PDF document of the news article. The article reported that Josh McCracken said his family has dealt with zoning violations from Springfield Township for years. He admitted that Jeremy McCracken’s actions toward the police were not justified. Josh McCracken stated, “Knowing him, I don’t think he was trying to hurt them; he was trying to run them off. I wouldn’t justify shooting at someone over taking a car.” Josh McCracken also stated, “I never thought he’d do something like that. He’s never done anything violent in his life, so totally out of character for him.” Josh McCracken stated, “The individual officers I don’t blame, they’re working in self-defense. I’m not really optimistic that there will be any justice in it. It’s just one of those things that happens, that’s why

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I moved out of the township five years ago, so we'll just see." The article mentioned a "fence" and a "cover" that Jeremy McCracken placed around the car in the yard to conceal it before the incident. Josh McCracken claimed that the fence was torn down on the day of the incident and the car was towed.

[News Video – Cleveland 19 – Springfield Township man killed by police shouldn't have caused shootout, brother says – 2022-10-10](#)

This news video was embedded with the above described news article. SA Moran created a recording of the news video using the screen record function. The news reporter spoke with Josh McCracken in-person. Josh McCracken stated, "It's just absurd. Somebody is dead over a car." The reporter asked, "Do you think his actions were justifiable over a zoning violation?" Josh McCracken responded, "I wouldn't say so. No. I mean, I don't think, knowing him, that he was actually trying to hurt them. He was trying to run them off. Um, I wouldn't justify shooting at somebody for taking a car."

The reporter stated that Josh McCracken told her about a "long history of trouble with the township for zoning violations on their properties." The news video mentioned the federal civil rights lawsuit that was recently dismissed.

The reporter asked, "Did you expect him to have that kind of response?" Josh McCracken responded, "No. No, I never thought he'd do something like that. He's never done anything violent in his life so it was totally out of character for him." Josh McCracken stated, "The individual officers I don't blame and they're, you know, they're working in self-defense. I'm not really optimistic that uh, there will be any justice in it. That's just one of those things that happens. That's why I moved out of the township five years ago um, so, you know, we'll just see."



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INVESTIGATIVE SUMMARY

On Wednesday, October 5, 2022, at about 1119 hours, Chief Simone arrived at 2347 East Waterloo Road to perform a follow-up for ongoing zoning violations. Chief Simone contacted a towing company to have a junk vehicle removed from the property.

According to Chief Simone and witnesses, when the tow truck arrived and preparations were being made to tow the junk vehicle, Jeremy McCracken began shooting at Chief Simone and the witnesses from the porch of his residence. One of the witnesses ran from the area and another witness took cover from the gunfire. Chief Simone returned fire, likely firing four gunshots from his pistol.

Sgt. Gaffney arrived and saw Jeremy McCracken moving to his right (to Sgt Gaffney's left) through the foliage in the yard. Sgt. Gaffney saw Jeremy McCracken shooting at him with a revolver. Sgt. Gaffney returned fire, likely firing four gunshots from his pistol.

Jeremy McCracken fell to the ground in the yard. Sgt. Gaffney and Chief Simone approached Jeremy McCracken and handcuffed him. A revolver was located in the grass near the area where Jeremy McCracken went to the ground. An ambulance arrived shortly after the incident and the handcuffs were removed from Jeremy McCracken and he was transported to a nearby hospital. Jeremy McCracken was pronounced deceased a short time later.

BCI agents located and interviewed multiple witnesses who confirmed that Jeremy McCracken fired gunshots at the officers first and then the officers returned fire. BCI agents conducted a neighborhood canvass, but none of the residents saw the shooting.

BCI agents collected multiple videos in the area, but none of them showed the shooting. One of the videos recorded the sound of gunfire, yelling, more gunfire sounds and then commands, likely provided by one of the officers.

BCI agents learned of previous zoning violations involving the McCracken family and their properties, especially at 2347 East Waterloo Road. There were multiple letters sent regarding the zoning violations. Jeremy McCracken had recently attended a Springfield Township about the zoning violations. There was a recent federal court case involving Jeremy McCracken and Springfield Township regarding the zoning violations that was ultimately dismissed by a federal judge. BCI agents also collected an ordinance in Summit County pertaining to zoning violations, especially junk or nuisance vehicles and property.



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BCI agents collected multiple evidence items from the scene and from the autopsy. The BCI Lab confirmed that Jeremy McCracken's revolver was operable. All six cartridges within the cylinder had been fired, likely during the incident. The BCI Lab confirmed that Chief Simone's pistol and Sgt. Gaffney's pistol were operable. The projectile that was recovered from Jeremy McCracken's body during the autopsy was examined by the BCI Lab. The projectile was found to have been fired by Sgt. Gaffney's pistol. It was the only projectile recovered during the autopsy and it was believed that Jeremy McCracken had one gunshot wound. There were suspected bullet impacts on Jeremy McCracken's vehicle and the plywood near the vehicle. This is the area where Chief Simone and the witnesses were initially standing when Jeremy McCracken began firing gunshots at them. It is also near the area where Sgt. Gaffney initially moved to and checked on Chief Simone.

BCI agents interviewed Chief Simone and Sgt. Gaffney about the incident. Both officers indicated that Jeremy McCracken fired gunshots at them. Both officers believed they were in danger of being killed or injured and the witnesses were in danger of being killed or injured by Jeremy McCracken. Both officers admitted to firing their pistols at Jeremy McCracken during the incident.



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CONTACT INFORMATION

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Chuck Moran. SA Moran can be reached via email at charles.moran@OhioAGO.gov or by telephone at 234-400-3618.