



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



2023-2941
 Officer Involved Critical Incident - 5230 Douglas Drive,
 North Olmsted, Ohio 44070

Investigative Activity: Involved Officer Interview - [REDACTED]
Involves: [REDACTED] (S)
Activity Date: November 20, 2023
Activity Location: Ohio Patrolman Benevolent Association
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On Monday, November 20, 2023, at approximately 0952 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Armstrong (Armstrong) and SA Andrew Harasimchuk (Harasimchuk) interviewed Westlake Police Department (WPD) [REDACTED] [REDACTED] [REDACTED]. [REDACTED] [REDACTED] was accompanied by Tom Austin - Executive Director of the Ohio Patrolman Benevolent Association (OPBA), Attorney Daniel Leffler of the OPBA, and WPD Officer and Union Representative Richard Dudas (Dudas). The interview took place in a conference room at the OPBA Office, 10147 Royalton Rd # J, North Royalton, Ohio. The interview was audio and video recorded and the audio recordings have been attached to this report. The video recordings were titled *2023-11-20 Officer Interview [REDACTED] Part 1* and *2023-11-20 Officer Interview [REDACTED] Part 2* and have been stored on evidence.com and in the BCI SIU case file as Reference Item E.

[REDACTED] [REDACTED] was identified as a WPD officer who was involved in the November 4, 2023, officer-involved shooting which occurred in the area of 5230 Douglas Drive, North Olmsted, Ohio. The purpose of the interview was to obtain all relevant information known or observed by [REDACTED] [REDACTED] at the time of the incident.

Prior to the interview, [REDACTED] [REDACTED] and Attorney Leffler reviewed the BCI Criminal Investigation Notification Form. [REDACTED] [REDACTED] indicated he understood the form and signed it.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation. It does not purport to contain all of the questions and answers from the interview. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview. It may not be reflective of the actual sequencing of questions. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information obtained during the interview. Time references included in this report correspond with the video recording.

Throughout the interview, [REDACTED] [REDACTED] provided the following information:

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Preliminary and Demographic Information:

Name: [REDACTED]	Rank: [REDACTED]
Badge Number: [REDACTED]	Cruiser/Vehicle Number: [REDACTED]
Radio Call Sign: [REDACTED]	Immediate Supervisor: Sgt. Leonard
Radio Channel Utilized: 1	Mobile Data Terminal: Present; Not Used
Cruiser Description: Black Ford Explorer marked with "police", a badge and cruiser number, lights and siren	Occupants of Cruiser and Seating Positions: He was the driver and [REDACTED] was front passenger
Assignment: Patrol	Normal Shift: 0600 hours - 1800 hours
In-Car Camera: Operational, But Not Used	Spotlight: Not utilized but did use take down lights
Emergency Lights: Present; Not Utilized	Siren: Present; Not Utilized
Shift Day of Incident: 0600 hours - 1800 hours	Duty Status: On-Duty
Days Off: 12-hour shifts with rotating days off	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: Unknown but believe he had a regular night of sleep which is normally 7 hours	Consider Self Well Rested?: Yes
Total Length as Officer: 11 years total; North Ridgeville Police as a patrolman started in July 2012 through December 2022.	Length at Current Agency: 1 year;
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Standard blue, 5.11, patrol uniform with Westlake City patches on shoulders, an external vest carrier with "Police" on it and a police badge on the left chest.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Vest - handcuffs, taser, flashlight, radio, 2 extra magazines, BWC; Belt - duty weapon with tourniquet
Ballistic Vest: External Armor	Body Worn Camera: Present, not used initially; was activated after shooting. was worn on left side of chest.
Other Recording Devices: None	Partner: [REDACTED]
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Criminal	OPOTC Certification: N/A

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patrol and interdiction style training. Previously a K-9 handler, legal updates, simunitions training, quarterly range training which included shoot and don't shoot scenarios. Roll call training related to decision making while dealing with persons armed or in crisis	
Military Experience/Training: None	Use-of-Force Training: Review of use of force policy multiple times each year.
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: None
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None

Officer's Firearm(s):

Weapon #1

Make: Glock	Model: 19
Caliber/Gauge: 9 mm	Serial: Unknown
Type: Semi-Auto Handgun	Method of Carry: Left leg in drop down thigh holster
Magazine Capacity: Approximately 16 or 17 rounds	Total Rounds as Carried (including chamber): Usually loads each magazine to full capacity with one additional round in the chamber of the firearm.
Extra Magazines: Two extra magazines carried on external vest	Number of Rounds in Extra Magazines: Loaded to full capacity
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: Unknown.	Number of Rounds Fired: did not know at the time of the incident but learned he had fired 8 times when Sgt. Frey collected his firearm and performed a round count
Right/Left-Handed Carry: Left	Ownership: Department Owned
Last Qualification Date: In the past few months.	Type of Holster, if any: Safari Land. Did not know level or retention.

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Investigative Report



2023-2941
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Video Reviewed:

██████████ had watched his body camera footage and the footage recorded on North Olmsted Police Department (NOPD) ██████████'s body worn camera. He had watched each recording one time after the incident.

Narrative:

After obtaining the preliminary and demographic information, ██████████ provided the following information: (19:39)

At approximately 0130 hours, while in the mid-shift briefing at the Westlake Police Department, he and his fellow officers heard a radio call for North Olmsted officers. The call was for a guy who was bloody, running around going to people's front doors and saying someone was trying to kill his uncle. Due to the location being close to their city limits and the nature of the call, they started responding as well.

While enroute, he heard officers radioing they heard gunshots coming from the residence on ██████████. The North Olmsted officers also officially asked Westlake officers to respond for mutual aid.

When passing the intersection of Stearns Road and Lorain Road he observed a male walking. He checked to see if it was the bloody male walking around reporting his uncle was going to get killed. He determined the subject was not related and continued to the call.

As he drove west on the road where the house was ██████████, he had his cruiser window down. He could hear the North Olmsted officer giving verbal commands saying "Stop! Police!" and he could hear "them" running in the leaves. He stopped his cruiser, exited it, and began running toward the back yards where he could hear the commands coming from.

He made his way to a large tree and a fence line that appeared to separate two properties. He had his light on and saw the subject along the fence line who may have become stuck. He never saw the North Olmsted officer, but he believed the officer was to his ██████████'s right and behind some brush. As he neared the fence line, he recalled hearing the North Olmsted Officer giving commands, but he could not

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remember what exactly he was saying. When he was approximately 20 – 25 feet away from the subject, the subject fired at the officer. [REDACTED] [REDACTED] then returned fire.

[REDACTED] [REDACTED] could see the subject, running from the police, was down against the fence. Although he could not see the subject's hands or the gun, the subject's back was against the fence. This led him to believe the subject was facing the North Olmsted Officer.

The first gunshot he heard came from the left which led him to believe it was the subject firing either at him or at the North Olmsted officer. He already had his gun out and he immediately began firing at the subject.

[REDACTED] [REDACTED] did not know how many times the subject fired. When [REDACTED] [REDACTED] fired, he knew his partner was somewhere close, but he did not recall any officers being in the immediate area where he was firing from. He fired from a standing position and his point of aim was the subject's body. He said it was dark, but he had light from his weapon mounted light.

[REDACTED] [REDACTED] further explained he fired because "He (the subject) shot at another officer" (34:30). When asked if he feared for the safety of the other officers, he replied "Yes, and mine, and everybody else there" (34:38). When asked why he would fear for their safety in that situation, [REDACTED] [REDACTED] said,

Well given the set of circumstance and facts that we already had, and from the call, potential homicide, um, and guy actively fleeing from the police, um and not listening to verbal commands and ultimately firing at the officer, that led me to the decision to fire upon him (34:48).

[REDACTED] [REDACTED] said he did not believe he had any other option than to use deadly force and he believed his actions were consistent with his training.

After firing, [REDACTED] [REDACTED] remained at his position. Other officers came up with a plan to break down the fence and get the subject out from the bushes. When officers broke down the fence and pulled the subject out, he saw the subject's gun under a portion of the broken-down fence. That was the first time he saw the subject's gun.

[REDACTED] [REDACTED] explained there was some time that elapsed between when the shots were fired and when the subject was removed from the brush. Even though he had stopped firing at the subject, the subject still posed a threat to them. He did not know if the subject was going to continue shooting at them and he did not know if his shots had struck the subject.

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Investigative Report



2023-2941

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Once Officers removed the subject from the brush, the officers immediately began evaluating his condition and administering medical aid. The fire department responded and transported the subject to the hospital.

When asked how he was able to distinguish the gunfire he heard was coming from the subject and not the other officer, ██████████ said,

So, as I'm looking at, down this fence line, I could hear the, the fire, like the gun fire from my left, the left from over here [Demonstrated location with his left hand] and so in my mind, I immediately distinguished that that was coming from the subject straight ahead and then returned fire came from my right and myself (39:21).

When asked if he fired because the North Olmsted officer was firing, he replied "No I fired because he shot at the officer" (40:46).

██████████ did not recall having any previous encounters with the subject or the residence where the incident began.

██████████ indicated he had not discussed the particulars of the incident with other officers. He consented to agents reviewing any written reports he may complete in the future.

Attachments:

2023-11-22 Signed Criminal Invest Notification - ██████████

2023-11-20 Audio Recorded Interview of ██████████ - Part 1

2023-11-20 Audio Recorded Interview of ██████████ - Part 2

Reference Items:

Item E - Video Recorded Officer Interviews

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Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is **not** a "Garrity" interview (where you could be required to answer).

Printed Name of Interviewee

11/20/23 0947
Date / Time

Sig

Andrew Harasimchik
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)