



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



2024-2614
Officer Involved Critical Incident - 1309 Yellowstone Road,
Cleveland Heights, Ohio 44121

Investigative Activity: Officer Interview - [REDACTED]
Involves: [REDACTED]
Activity Date: 09/19/2024
Activity Location: Ohio Patrolmen's Benevolent Association (OPBA) Office
10147 Royalton Road #J, North Royalton, Ohio 44133
Authoring Agent: SA Nicholas Valente #139

Narrative:

On Thursday, September 19, 2024, at approximately 1000 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente (Valente) and SA Allison Fletcher (Fletcher) interviewed Cleveland Heights Police Department (CHPD) [REDACTED] [REDACTED] was accompanied by his attorney, Dan Leffler (Leffler), from the Ohio Patrolmen's Benevolent Association (OPBA) and Amanda Hays, an employee of the OPBA. The interview took place at the OPBA office in North Royalton, Ohio. The interview was audio and video recorded. The video recording has been stored in the BCI case file as Reference Item K.

[REDACTED] read, indicated he understood, and signed the BCI Criminal Investigation Notification form prior to being questioned.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the interview. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

Preliminary and Demographic Information:

Name: [REDACTED]	Rank: [REDACTED]
Badge Number: [REDACTED]	Cruiser/Vehicle Number: [REDACTED]
Radio Call Sign: [REDACTED]	Immediate Supervisor: Lt. Gideon
Radio Channel Utilized: CLV HTS 1	Mobile Data Terminal: Yes, did not recall using relative to the incident.
Cruiser Description: Marked police vehicle with "Cleveland Heights Police" writing on sides.	Occupants of Cruiser and Seating Positions: [REDACTED] was alone at the time.
Emergency Lights: Present	Partner: None

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Siren: Present	Spotlight: Present
Assignment: ██████████	Normal Shift: ██████████
Shift Day of Incident: 6p-2a	Duty Status: On-duty
Days Off: Tuesday prior.	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: 8 to 8.5	Consider Self Well Rested?: Yes
Physical Disabilities (to include hearing aid): None	Corrective Lenses: None
Total Length as Officer: ██████████	Length at Current Agency: ██████████
Previous LE Experience: None	OPOTC Certification: Cleveland Heights Police Academy
Military Experience/Training: None	Training or Areas of Specialty: None
Use-of-Force Training: Received earlier this year, within the last four months. Received annually.	CIT/SWAT/Force Science Training: CIT trained.
Uniform Worn: Badge on left chest of vest, firearm on right hip. Standard CHPD patrol uniform.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: 2 magazines on lower right appendix, tourniquet, handcuffs (2 pairs), flashlight, ASP baton.
Ballistic Vest: Yes, outer carrier	Body Worn Camera: Yes, utilized
In-Car Camera: None	Other Recording Devices: None
Injuries: None	Equipment Damage: None
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: None

Officer's Firearm(s):

Weapon #1

Make: Colt	Model: Believed to be "Commando."
Caliber/Gauge: 5.56 X 45 NATO -From C.S.U.	Serial: ██████████ – From C.S.U.

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Type: Rifle	Method of Carry: Right-handed
Magazine Capacity: 30	Total Rounds as Carried (including chamber): Usually filled with 28 cartridges.
Extra Magazines: Additional magazine on his duty belt. - Not utilized.	Number of Rounds in Extra Magazine: Believed to have a 20-round capacity.
Discharged During Incident? Yes	Primary or Backup Weapon: Secondary
Rounds Remaining After Incident: Did not know.	Number of Rounds Fired: Did not know.
Right/Left-Handed Carry: Right	Ownership: Department Owned
Last Qualification Date: October 4, 2023.	Type of Holster, if any: N/A (Car locking mechanism)

Video Reviewed:

Prior to the interview, ██████████ had watched his body worn camera (BWC) video. ██████████ estimated he watched his BWC recording in its entirety 5 to 10 times and an additional 5 to 10 times more not in its entirety. ██████████ had not watched the BWC recordings of the other officers involved. ██████████ stated he did not observe anything on his BWC recording when he watched the video that he did not already recall from his memory of the incident.

Narrative:

After obtaining the above-noted preliminary and demographic information, ██████████ provided the following information related to the incident on August 29, 2024:

██████████ recalled that the radio traffic given by dispatchers at the time he was dispatched involved (14:10) "a verbal argument between father and son and a family member had a firearm." While responding to the scene of this call, ██████████ received additional radio traffic, he believed included something to the effect of (14:33) "they could hear a lot of screaming and someone say to take your finger off the trigger."

██████████ stated he had responded to calls in the past involving armed subjects. In these previous instances, de-escalation tactics had worked, and ██████████ had not been involved in a situation before where an officer had to discharge their weapon.

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██████████ had not previously interacted with the subject, Christian Thomas (Thomas), prior to this incident. Likewise, ██████████ had not previously responded to the subject's home prior to this incident.

██████████ was the first officer to arrive on scene. As ██████████ arrived, he observed two females standing outside the subject residence. ██████████ asked the two females (17:23) "if something was going on inside the house, to which they said 'yes'." The two women told ██████████ (17:30) "their brother, Christian, was armed with a firearm and dad was in there trying to cool him off."

██████████ approached the front door of the home and asked the two females if the subject was still armed with the handgun. The females told him yes, the subject was still holding the handgun. ██████████ then chose not to enter the home and spoke further with the females, attempting to gather more information. ██████████ asked the females to provide him with additional background on what led up to the incident. One of the females told ██████████ she was not entirely sure, but she awoke to a lot of screaming and the sound of a gun firing. When asked, the female confirmed Thomas had fired the gun. ██████████ relayed this information to the other responding officers and escorted the two women away from the house.

While walking the women away from the home, ██████████ asked one of the females to call her father on her cell phone. The female attempted to call her father and reported she could hear her father's phone ringing on the dining room table.

██████████ and the two women made their way back to his police cruiser. Once at the cruiser one of the women said Christian was her brother, he had walked up to her room and had been pulsing.

Other officers began to arrive on scene and took up positions around the home. Officer Ondercin arrived at this time and began to speak with the two women as well. Screaming could also be heard coming from inside the house at this time.

██████████ then took a position of cover at the left front side of the subject's home as no one was there yet. ██████████ continued to hear screaming coming from inside the home. From this position, ██████████ believed he heard an officer stationed at the back of the home report Thomas saw the officer at the back of the home then went back inside.

Approximately one or two minutes later, still hearing screaming coming from inside the home, ██████████ left his position, approached Officer Ondercin, and asked him if he wanted ██████████ to retrieve his loudspeaker from his patrol vehicle. At that point, ██████████ found one of the females speaking with her father on the phone. ██████████ asked to speak with the subject's father on the phone. The

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female gave [REDACTED] her phone. [REDACTED] heard Christian screaming and belching on the phone. [REDACTED] heard Thomas's father telling him to get the firearm out of his hand and to take his finger off the trigger. Shortly after that, the phone went dead. [REDACTED] relayed this information to the other officers on scene and asked the female to attempt to call her father back.

[REDACTED] then went to his police cruiser and retrieved his patrol rifle. [REDACTED] then returned to his position outside the front right of the subject's home.

Other officers attempted to get the subject's father to leave the home. Though the subject's father did come outside momentarily, he quickly went back inside. Once back inside the home, [REDACTED] heard the subject's father continue to yell at the subject to take his finger off the trigger of the gun. Briefly thereafter, the subject's father did comply with officers' requests to exit the home. Once outside the home, the subject's father began screaming (23:21) "He's high. He's high. He's high as fuck in my house. Um, he's got a weapon. He's got a loaded weapon."

[REDACTED] believed Officer Dugan, stationed at the back of the home, observed the subject opening the back door. He then saw the officers shut the back door of the home again.

An officer stationed at the front of the home next reported he observed the subject come to the front door of the home while still holding the gun in his hand. The subject then shut the front door and retreated into the house.

[REDACTED] could hear the subject screaming again from inside the home. [REDACTED] heard noise coming from the home indicating the subject was at the rear of the home. [REDACTED] then heard an officer at the rear of the home scream (25:02) "Show me your hands." [REDACTED] then heard the subject say something to the effect of get away from me. The subject then ran through what [REDACTED] believed at the time was a door or low hanging window.

[REDACTED] stated (25:30) "I hear him running towards that window and then breakthrough to where he's now outside and um, fires off a round." [REDACTED] noted he was then in very close proximity to the subject and reiterated (25:45) "I know that he's under the influence of, they previously, previously the dad told, uh, Officer Ondercin he was under, uh, he was high on psychedelics. Uh, I knew he was armed. I knew he had already fired off a round prior to our arrival. Refusing to drop the gun. In a manic state. He's now out of the house and fired. And, um, I returned fire on him at that point."

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██████████ stated he could see the subject at the time he fired the gun outside the home but could not tell where the subject was aiming. When asked, ██████████ stated he was confident the sound he heard was the subject firing a gun. Once the subject fired, ██████████ took a step to the left, crouched, and could see the subject's silhouette from the amber light coming from the house. ██████████ then fired what he believed to be (26:46) "probably about six shots in his direction."

██████████ then saw the subject fall, the bushes shuffled, and the subject began to run straight towards ██████████, later in the interview, added he did observe the subject crawling in the bushes momentarily before standing up and beginning to run towards him. ██████████ continued to train his rifle on the subject as the subject ran towards him. As the subject reached his position, ██████████ felt he could not continue to fire due to the known location of other officers and the subject's family that would then have been in his backdrop. Once the subject was within approximately 5 to 10 feet of ██████████, he turned to his right and began running through the neighbor's front yard along the front of their home. ██████████ could then see the subject under the streetlight.

██████████ described what he observed of the subject as he ran past him, stating (27:27) "There's streetlight behind him. I could see that he has the, his shirt off. However, its uh, there's something foreign in his arm, it appeared to me. Um, it was unnatural, like unhuman. Um, I believed he was still armed at that point. He turns towards the front yard that I'm in, and um, I train my rifle on him as he's running away, but there's a house in the background. And um, I fired again, probably an additional, maybe uh, six to eight rounds. Um, and that's a guess or approximate guess, I don't know. Um, he fell down. He fell face first onto the, onto the driveway." ██████████ later added that when he fired this second group of shots, he still believed the subject to be armed and noted an unnatural "dangling" of the subject's right arm.

██████████ and the other officers began to converge on the subject as he lay in the neighbor's driveway. Officers, including ██████████ took cover behind a nearby tree and gave the subject commands. ██████████ and other officers then approached the subject and attempted to place him in handcuffs. Upon seeing the extent of the subject's injuries, they quickly abandoned the idea of attempting to handcuff the subject and began to render medical aid.

Immediately after the shooting, ██████████ heard the subject's father yelling profanities at the subject and (29:57) "basically saying that he came out and fired."

While officers were rendering aid to the subject, ██████████ ran back to his patrol vehicle and retrieved his medical kit. ██████████ returned to the subject with the

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medical kit. [REDACTED] put on gloves, gave other officers a tourniquet, and prepared to place chest seals on the subject as EMS arrived on scene.

[REDACTED] then took his patrol rifle back to his cruiser and secured the weapon. Shortly thereafter, [REDACTED] returned to the police station and waited to meet BCI agents who photographed him and collected his weapon.

When asked about the weather and lighting conditions at the time, [REDACTED] stated the weather was fine, but there was (32:39) "definitely poor lighting on the side of the house." [REDACTED] stated there were no exterior lights on the side of the subject's home where the incident occurred. The only lighting of the area was provided by ambient light coming from inside the home itself.

At the end of the interview, [REDACTED] was given an overhead diagram of the scene and marked the diagram with an X noting his position when the subject came through the window. [REDACTED] then marked the diagram showing the path of travel the subject took from the point he exited the window until he came to rest in the neighboring driveway.

When asked if he feared for the safety of himself, other officers, or the subject's family outside at the time of the shooting, [REDACTED] stated (39:09) "Every one of it, yeah, I feared for officer's safety, um the family's safety, I mean, the whole house was um, there was officers on perimeter of the whole house. Um, the last thing I heard was someone 'show me your hands,' then a gunshot, then nothing else. I feared for my officer's safety. I feared for the, uh, family's safety, especially as he's running back towards them in that direction. And then, um, obviously, the safety of myself."

When asked, [REDACTED] stated he believed the subject was firing at officers when he fired his gun. [REDACTED] did not believe he was being shot at himself as he did not think the subject saw him at the time he fired. [REDACTED] recalled the subject being aware of officers' presence outside the home and making statements indicative of wanting them to leave just prior to his crashing through the window and firing the gun.

When asked what he thought the subject was trying to do at the time he started crawling towards him, [REDACTED] stated (47:01) "I still perceived him as an imminent threat. Um, I fully believed he still had the firearm, and he wanted to use it, and he was running towards officers and his family."

When asked how he felt when the subject unexpectedly came out of the house through the window and fired his gun, [REDACTED] stated (46:25) "Um, like you're in danger, a lot of danger. I knew he was armed. His father said that. I knew that he was,

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um, under the influence of psychedelics. Um, I knew that he previously shot and when he came out and shot again, I feared for officers' safety, my safety and the family's safety."

When asked if he felt there were any other options available to him at the time he fired other than the use of deadly force [REDACTED] shook his head no and stated (41:33) "I couldn't have. I couldn't see anything else that deemed fit."

When asked where he believed his rounds hit, [REDACTED] stated he was aiming for center mass when he fired.

When asked if he felt he had the opportunity to give the subject a warning at any point prior to firing, [REDACTED] stated (42:51) "No."

[REDACTED] reported he was the first officer to return fire after the subject fired his weapon outside the home.

When asked, [REDACTED] stated the subject did not make any verbal statements after crashing through the window.

[REDACTED] stated he believed his actions were consistent with his training. Likewise, [REDACTED] stated he did not believe any actions taken by the other officers involved were inappropriate or criminal.

The scene diagram marked by [REDACTED], the Criminal Investigation Notification Form signed by [REDACTED], and the audio recording of the interview were attached to this report.

References:

Reference Item K - [REDACTED] Interview Video

Attachments:

1. Audio Interview [REDACTED]
2. [REDACTED] Criminal Investigation Notification Form
3. [REDACTED] Scene Marked Diagram

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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

9/19 @ 1000 HRS
Date / Time

Signature of Interviewee

NICK VALENTE #139
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)



← YELLOWSTONE ROAD →

9/19/24 @ 1049 HRS

