



## AKRON POLICE DEPARTMENT

Harold K. Stubbs Justice Center  
217 South High Street  
Akron, Ohio 44308-1682

Brian J. Harding, *Chief of Police*

Dear Mr. Finnell:

Please find attached response from the Administration on Use of Force Review 2024-00024315.

*Recommendation 1. APD add an additional violation of APD Manual of Rules and Regulations, Section 700.03 (d)- NO officer/employee shall knowingly make a false statement, specifically, through the preparation and issuance of the Use of Force Investigation report to former Officer Westlake's termination decision.*

Because Mr. Westlake is no longer employed with the Akron Police Department, this recommendation no longer applies.

*Recommendation 2. APD investigates the use of force incident by Officer Ryan Westlake as a criminal offense and refers the matter to the City of Akron, Prosecutor's office for the filing of appropriate criminal charges.*

This matter has been forwarded to the Akron Prosecutor's Office for consideration of criminal charges. Per previous practice, Craig Morgan, Chief City Prosecutor, has referred this matter for review to an outside agency. The Barberton Prosecutor's Office has agreed to accept the case for review.

*Recommendation 3. The CPOB requests APD initiate an OPSA investigation into Sergeant Timothy Shmigal, and Lieutenant Kimberly Williams and Captain Kris Beitzel and other members of Platoon 2 who concurred with the finding of objectively reasonable for the actions of Officer Ryan Westlake in the use of force incident, case # 2024-00024315, for the following allegations: a. Dishonesty as to the violation of APD Manual of Rules and Regulations, Section 700.03 (d)-No officer/employee shall knowingly make a false statement, specifically, through the preparation, issuance and concurrence with the Use of Force Investigation report, reference case number 2023-00024315, dated 3/1/2024.*

This has been thoroughly reviewed under APD-P-2021-013, Resisting Arrest/Use of Force Procedure which has checks and balances built in by requiring shift review and then a review by the Office of Professional Standards and Accountability. Disagreeing with the conclusion of an investigation does not arise to the level of making a false statement. We understand that there are concerns about objectively or perceived objectivity when a use

of force review is conducted by a first-level supervisor. We will take those concerns into account as we review and seek to improve the overall process.

*Recommendation 4. OIPA, CPOB, and APD work together to amend APD Directive P-2021-013, Resisting Arrest/Use of Force Procedure to include language requiring the completion of Use of Force/Resisting Arrest reports before the end of the officer's tour of duty when the incident occurred. Once the initial report is submitted for approval, any changes to the report must be included in a supplemental report. All reports will be included as part of the overall use of force investigation for review.*

As previously stated, the administration intends to engage in a comprehensive review of the city's use of force policy to see how it can be strengthened and improved, with involvement from the auditor's office and oversight board, as well as the public. We anticipate discussion of this specific issue can be a part of that process.

*Recommendation 5. OIPA, CPOB and APD work together to amend APD Directive P-2021-013, Resisting Arrest/Use of Force Procedure to include language that once a Use of Force Investigation report completed by a supervisor has been submitted for review/approval, any changes to the original must be included in a supplemental report. All reports will be included as part of the overall use of force review process.*

Similar to the response to the previous recommendation, we believe this issue can be discussed as part of the comprehensive use of force review.

*Recommendation 6. APD provides a list of the APD tracking numbers and case numbers for all use of force investigations completed by Sergeant Timothy Shmigal between the period of January 1, 2021 through February 29, 2024, to OIPA and OIPA initiate an audit of the same.*

The Akron Police Department has provided the requested document and forwarded to your office for review.

Should any additional information be needed feel free to reach out to Tony Ingram, Public Safety Strategist ([aingram@akronohio.gov](mailto:aingram@akronohio.gov)) or Brian Harding, Chief of Police ([Bharding@akronohio.gov](mailto:Bharding@akronohio.gov)).

Sincerely,



Brian Harding, Chief of Police

cc: Kemp Boyd, Citizens' Police Oversight Board Chair