



**SHERRI BEVAN WALSH**  
**Summit County Prosecuting Attorney**

53 University Avenue, 6th Floor  
Akron, Ohio 44308-1608

**BRAD GESSNER**  
Chief Counsel

October 20, 2016

**CRIMINAL DIVISION**  
**MARGARET SCOTT**  
Deputy Chief Assistant  
(330) 643-2800  
(330) 643-2137 Fax

Chief James Nice  
Akron Police Department  
217 S. High Street  
Akron, Ohio 44308

**CIVIL DIVISION**  
**JOHN GALONSKI**  
Deputy Chief Assistant  
(330) 643-2800  
(330) 643-8708 Fax

Re: Investigation of Use of Force by Akron Police Department  
Officer John Turnure

**TAX DIVISION**  
(330) 643-5004  
(330) 643-8540 Fax

Dear Chief Nice:

On March 28, 2016 at approximately 1:55 p.m., an officer-involved shooting occurred at 2129 18<sup>th</sup> Street, SW in a residential neighborhood in the Kenmore area of Akron. The shooting occurred in front of the home of Joyce Webb. The subject of the shooting was Joyce Webb's son, McCullen Webb.

**VICTIM SERVICES DIVISION**  
**CRYSTAL BAKER**  
Director  
(330) 643-2800  
(330) 643-2137 Fax

On October 3, 2016, copies of all reports of investigation and all evidence relating to the "use of force" against McCullen Webb were submitted to my office for review. This review concluded today with a review of the documents contained in McCullen Webb's Summit County criminal case. The list of documents submitted to my office from the Akron Police Department are attached to this document as "Attachment D."

**COMMUNICATIONS**  
(330) 643-8386  
(330) 643-2043 Fax

**BACKGROUND**

**CHILD SUPPORT**  
**ENFORCEMENT AGENCY**  
**JENNIFER BHEAM**  
Director  
175 South Main Street  
Akron, OH 44308-1306  
(330) 643-2765  
(330) 643-2745 Fax

Prior to the shooting, Joyce Webb made a 911 call to the police reporting that her son, McCullen Webb, "went off" on a humane officer. She described that McCullen Webb had a knife and mental health issues. She also stated that McCullen Webb became upset because the humane officer parked his vehicle in front of the Webb house. A few other distress calls came into the dispatch center describing an attack on the humane officer which included a possible rock being thrown at his vehicle and that someone stabbed him. The humane officer was seriously injured with knife wounds to his head and hand. (See Attachments A and B).

**JUVENILE DIVISION**  
650 Dan Street  
Akron, OH 44310-3989  
(330) 643-2943  
(330) 379-3647 Fax

After receiving the calls, Dispatch requested Akron police officers respond to a violent suspect with mental health issues.

Joyce Webb's house at 2129 18<sup>th</sup> Street, SW, has five steps leading up to a small front porch with railings on both sides of the steps. (See Attachment C).

### INVESTIGATION

Akron police officer Jason Belacic responded and arrived first to the scene and found the humane officer covered in blood with wounds to his head and neck. The humane officer said he was attacked with a shovel and a knife. Officers Murphy and Jackson soon arrived on the scene, and along with Officer Belacic, approached McCullen Webb who was standing outside his mother's house holding a knife. These officers gave McCullen Webb loud and clear commands to drop the knife. When Webb refused to drop the knife, Officer Belacic deployed his taser hitting Webb in the chest causing Webb to fall to the ground. However, Webb got back up with the knife and went back on the front porch and tried to enter the house where presumably his mother was located.

When Webb could not open the door to the house, he pulled out his knife again and came down the porch towards the officers. Officer John Turnure who arrived after Officers Belacic, Jackson, and Murphy, saw Webb coming down the front steps with a knife. At that moment Officer Jackson deployed his taser which did not subdue Webb. Seeing that officers could not contain Webb, Officer Turnure fired his service weapon at Webb. Webb fell to the ground, dropped the knife, and continued to fight with the officers while they tried to handcuff him. Webb received a gunshot wound to the leg. Paramedics transported Webb to Akron General Hospital where he underwent surgery for his gunshot wound.

As part of the investigation, on March 30, 2016, the following Akron police officers were interviewed separately regarding the incident: Officer Jason Belacic, Officer Robert Jackson, Officer Daniel Murphy, and Officer John Turnure. All four were consistent with each other in their version of events which included the following list of facts:

- The suspect recently stabbed a humane officer.
- The suspect was exhibiting mental health issues. He had a "1,000 yard stare."
- Officer Belacic tased the suspect, but the suspect got back up and still held the knife.
- The suspect ignored loud, verbal commands to drop the knife.
- The suspect attempted to enter the house where his mother resided.
- The officers contained the suspect in front of the house but were concerned that he may go back in the house or run into the residential neighborhood.
- Officer Jackson deployed a second taser, and the suspect continued to hold the knife and refused orders to drop it.
- After repeated taser fires and orders to drop the knife, Officer Turnure fired multiple shots at the suspect.

After reviewing the investigation, including the interviews of the principal witnesses and Officer Turnure, the Summit County Prosecutor's office concludes that Officer John Turnure acted reasonably and lawfully when he shot McCullen Webb on March 28, 2016.

The issue is whether Officer Turnure violated McCullen Webb's Fourth Amendment right against an unreasonable seizure when he shot Webb. The Fourth Amendment "reasonableness" inquiry is whether an officer's actions are "objectively reasonable" in light of

the facts and circumstances confronting him without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. *Graham v. Connor*, 490 U.S. 386 (1989).

Officer John Turnure violated no law and acted reasonably when he shot McCullen Webb. The facts of this case demonstrate that Officer Turnure had a reasonable basis to believe that Webb was an imminent threat not only to the officers but to Webb's mother and to citizens in this residential area.

Looking at the situation from the perspective of Officer John Turnure on that day, it is clear that he legitimately determined that he, his fellow officers, and private citizens were in imminent danger of being stabbed by McCullen Webb. Webb did not obey reasonable commands by various officers to surrender and put down his knife. Webb was the suspect in a felonious assault that seriously injured a humane officer. The police gave verbal orders to drop the knife and Webb refused. Officers used tasers on Webb, and he still refused to comply. As a last resort, Officer Turnure used deadly force against Webb.

After police officers exhausted all reasonable efforts to force Webb to comply, Officer Turnure made the reasonable and prudent decision to use deadly force against Webb. Therefore, considering all the facts and circumstances, this office concludes that Officer John Turnure was justified in shooting McCullen Webb on March 28, 2016.

On September 15, 2016, McCullen Webb entered a guilty plea to one count of Felonious Assault, a felony of the second degree, and also to a Repeat Violent Offender Specification. Today, Webb was sentenced to six years in prison for his actions. Webb has recovered from the gunshot wound to his leg. The humane officer injured by Webb's knife attack continues to recover from his injuries but will still require future surgeries.

Respectfully submitted,



SHERRI BEVAN WALSH  
Prosecuting Attorney

cc: Lt. David Whiddon  
Crimes Against Persons Unit  
Detective Bureau

# ATTACHMENT A



## ATTACHMENT B



# ATTACHMENT C



# ATTACHMENT D

## Index of Reports

1. Akron Police Incident Report #16-007302
2. Akron Police Incident Call Sheet
3. Major Incident Contact Sheet Call List
4. Crime Scene Log
5. Transcript of 9-1-1 calls reference 2129 18<sup>th</sup> St., SW on 3-28-16
6. Transcript of Officer Belacic's statement
7. Transcript of Officer Jackson's statement
8. Transcript of Officer Murphy's statement
9. Transcript of Officer Turnure's statement
10. Report of Investigation from Sgt. Forney
11. Action Taken Report from Sgt. Joyner
12. Action Taken Report from Officer Cooper
13. Action Taken Report from Det. Horton
14. Action Taken Report from Officer Koubek
15. Action Taken Report from Officer Miles
16. Action Taken Report from Officer Lagasse
17. Action Taken Report from Officer Bauknecht
18. Action Taken Report from Det. Morrison
19. Action Taken Report from Det. Bell
20. Action Taken Report from Sgt. Marks
21. Action Taken Report from Det. Hanlon
22. Action Taken Report from Det. Shaeffer
23. Action Taken Report from Det. King
24. Action Taken Report from Det. Morrison
25. Transcript of McCullen Webb's statement
26. Action Taken Report from Det. Morrison
27. Crime Scene Processing Investigative Report from Agent Butler, Ohio BCI
28. Crime Scene Unit Action Taken Report from Det. Ridgeway-Williams
29. Crime Scene Unit Action Taken Report from Det. Clark
30. Crime Scene Unit Action Taken Report from Det. Sabol
31. Crime Scene Unit Action Taken Report from Det. Soroky
32. Akron Police Towed Auto Report – 2008 Chevrolet van
33. Evidence Reports
34. Search Warrant – buccal swabs from McCullen Webb
35. BCI submission sheet
36. BCI Lab Report – 4-20-16
37. BCI Lab Report – 4-11-16
38. Taser Deployment Report – Sgt. Prough
39. Miscellaneous arrest reports/affidavit – McCullen Webb
40. Prior Akron Police Incident Reports involving McCullen Webb
41. Prior Field Interview Card – McCullen Webb