

Grand jury declines to indict officer in deadly - Dayton Daily News (OH) - August 14, 2018

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KETTERING —

A nine-year veteran officer of the Kettering Police Department who shot and killed a man in an exchange of gunfire May 5 in a city apartment building after a domestic disturbance was not indicted by a grand jury.

The Kettering Police Department said Andrew DiSalvo, 31, was the officer who shot **Mitchell Simmons**, 24, at the Chatham Village Apartment complex.

The Montgomery County Coroner's Office ruled Simmons' death a homicide, saying he died as a result of multiple gunshot wounds.

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DiSalvo joined the police department in 2009 and has worked as a K-9 officer since 2013. He also was appointed to the SWAT team in 2012.

He is a Centerville High School graduate and attended Otterbein College. He also graduated from the Ohio State Highway Patrol Academy.

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DiSalvo arrived on the scene at 5114 Scarsdale Drive after a caller had described a woman being attacked in a neighboring apartment and hearing her cries for help.

Police say DiSalvo could hear the argument between Simmons and a woman and advised dispatchers he was forcing entry into the apartment. Gunfire was exchanged — DiSalvo was not hit. First aid was rendered, but Simmons was pronounced deceased a short time later.

Tuesday afternoon, a Simmons family spokesperson issued a statement: "We intend to review the entire investigative file and will comment at that time."

DiSalvo's personnel file reflects good performance reviews since he was sworn in as a patrol officer in 2009. There was one instance of discipline issued in March of 2010 for violation of policy and procedure.

DiSalvo's last two yearly reviews in 2016 and 2017 indicated that he performed at the "Outstanding" or "Above Standards" levels. Kettering Police Chief Chip Protsman wrote, "without your willingness to take on extra assignments, this organization would not be as successful."

Two 911 calls placed by a neighbor detail a frantic scene going on inside the apartment at 5114 Scarsdale Drive.

"There was a woman screaming very loudly. She was screaming 'Help me! Help me!' I can hear her and she kept screaming 'Get off, get off. I can't breathe. You broke my nose. My nose is bleeding and I can't breathe,'" a neighbor said in the first 911 call placed.

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A second call placed by the neighbor after officers arrived on scene stated, "There was a woman screaming very loudly. She was screaming 'Help me! Help me!' "

Simmons, a 2012 Beavercreek High School grad, was working at Wright-Patt Credit Union as a fraud investigator at the time of his death. He had recently interviewed with Kettering police to become a law enforcement officer in the city, according to Gabrielson.

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