

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: BEAVER



POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

(NAME and ADDRESS):

JOHN

JAMES

HAWK

First Name

Middle Name

Last Name

Ge  
n

117 Hall Road  
Aliquippa, PA 15001

Magisterial District Number: 36-3-03  
MDJ: Hon. Joseph L. Schafer  
Address: 226-F Center Grange Road  
Aliquippa, PA 15001

Telephone: (724)775-1714

NCIC Extradition Code Type

<input type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pending Extradition	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 2-Felony Limited	<input type="checkbox"/> 6-Felony Pending Extradition Determ.	<input type="checkbox"/> D-Misdemeanor No Extradition	
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> E-Misdemeanor Pending Extradition	
<input type="checkbox"/> 4-Felony No Extradition	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> F-Misdemeanor Pending Extradition	

DEFENDANT IDENTIFICATION INFORMATION

Docket Number <b>CR 390-23</b>	Date Filed <b>1/1</b>	OTN/LiveScan Number <b>P1061744-2</b>	Complaint/Incident Number <b>BCW 230002</b>	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB <b>07/29/1986</b>	POB	Add'l DOB <b>/ /</b>	Co-Defendant(s) <input type="checkbox"/>
First Name		Middle Name	Last Name	Gen.
AKA				
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown			
Hair Color <input checked="" type="checkbox"/> BLK (Black) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> BLN (Blonde / Strawberry)	<input type="checkbox"/> RED (Red/Aubn.)	<input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> BLU (Blue)	<input type="checkbox"/> PLE (Purple)
<input type="checkbox"/> ONG (Orange)	<input type="checkbox"/> WHI (White)	<input type="checkbox"/> XXX (Unk./Bald)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> BRO (Brown)
<input type="checkbox"/> BLK (Black)	<input checked="" type="checkbox"/> BLU (Blue)	<input type="checkbox"/> BRO (Brown)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> GRY (Gray)
<input type="checkbox"/> HAZ (Hazel)	<input type="checkbox"/> MAR (Maroon)	<input type="checkbox"/> PNK (Pink)	<input type="checkbox"/> MUL (Multicolored)	<input type="checkbox"/> XXX (Unknown)
DNA <input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location			WEIGHT (lbs.)
FBI Number	MNU Number			
Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO				Ft. HEIGHT in.
Fingerprint Classification:				
DEFENDANT VEHICLE INFORMATION				
Plate #	State	Haz mat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>
VIN	Year	Make	Model	School Veh. <input type="checkbox"/>
			Style	Oth. NCIC Veh. Code
			Color	Reg. same as Def. <input type="checkbox"/>

Office of the attorney for the Commonwealth  Approved  Disapproved because: \_\_\_\_\_

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

(Date)

I, **Special Agent Gregory Matthews**

**521**

(PSP/MPOETC -Assigned Affiant ID Number & Badge #

of **Pennsylvania Office of Attorney General**  
(Identify Department or Agency Represented and Political Subdivision)

**PA0222400**  
(Police Agency ORI Number)

do hereby state: (check appropriate box)

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as \_\_\_\_\_

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [04] **202**  
(Subdivision Code) (Place-Political Subdivision)

in **BEAVER** County **[04]** on or about **11/06/2022**  
(County Code)



# POLICE CRIMINAL COMPLAINT

Docket Number: <b>CR 390-23</b>	Date Filed: <b>1/1</b>	OTN/LiveScan Number <b>P1001744-2</b>	Complaint/Incident Number <b>BCW 230002</b>
Defendant Name:	First: <b>JOHN</b>	Middle: <b>JAMES</b>	Last: <b>HAWK</b>

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input checked="" type="checkbox"/> Lead?	1	2504		of the	TITLE 18	1	M1		
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **INVOLUNTARY MANSLAUGHTER**

Acts of the accused associated with this Offense: The actor committed the offense of criminal homicide constituting involuntary manslaughter by causing the death of Kenneth Vinyard as a direct result of striking of Vinyard's chest while simultaneously performing a leg sweep of Vinyard's legs causing the victim to fall backwards striking the asphalt parking lot in a reckless or grossly negligent manner, in violation of Section 2501 and 2504 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. 2501 and 2504, as amended.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?	2	2702	(a)(1)	of the	TITLE 18	1	F1		
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **AGGRAVATED ASSAULT**

Acts of the accused associated with this Offense: The actor attempted to cause or intentionally, knowingly or recklessly caused serious bodily injury to Kenneth Vinyard under circumstances manifesting extreme indifference to the value of human life, that is to say Vinyard suffered serious bodily injury as a direct result of the actor striking Vinyard's chest while simultaneously performing a leg sweep of Vinyard's legs that caused the victim to fall backwards striking the asphalt parking lot in violation of Section 2702(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. 2702(a)(1), as amended.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?	3	2701	(a)(1)	of the	TITLE 18	1	M2		
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **SIMPLE ASSAULT**

Acts of the accused associated with this Offense: The actor attempted to cause or intentionally, knowingly or recklessly caused bodily injury to Kenneth Vinyard in violation of Section 2701(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. 2701(a)(1), as amended.

 **POLICE CRIMINAL COMPLAINT**

Docket Number: <b>CR 390-23</b>	Date Filed: / /	OTN/LiveScan Number <b>P1001744-2</b>	Complaint/Incident Number <b>BCW 230002</b>
Defendant Name:	First: <b>JOHN</b>	Middle: <b>JAMES</b>	Last: <b>HAWK</b>

<input type="checkbox"/> <b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	<b>4</b>	<b>2705</b>		<b>of the</b>	<b>TITLE 18</b>	<b>1</b>	<b>M2</b>		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **RECKLESSLY ENDANGERING ANOTHER PERSON**

Acts of the accused associated with this Offense: The actor recklessly engaged in conduct which placed Kenneth Vinyard in danger of death of serious bodily injury, in violation of Section 2705 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. 2705, as amended.

<input type="checkbox"/> <b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	<b>5</b>	<b>4902</b>	<b>A</b>	<b>of the</b>	<b>TITLE 18</b>	<b>1</b>	<b>F3</b>		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **PERJURY**

Acts of the accused associated with this Offense: The actor, in an official proceeding, namely before the Fifty-First Statewide Investigating Grand Jury on August 25, 2023 made a false statement under oath or equivalent affirmation, or swore or affirmed the truth of a statement previously made, when the satement was material and said actor did not believe it to be true, in violation of Section 4902 of the Pennsylvania Crimes Code, Act of Decmeber 6, 1972, 18 Pa. C.S. 4902, as amended.

<input type="checkbox"/> <b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>				<b>of the</b>					
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:


 **POLICE CRIMINAL COMPLAINT**

Docket Number: <b>CR 390-23</b>	Date Filed: <b>11</b>	OTN/LiveScan Number <b>P 1001744-2</b>	Complaint/Incident Number <b>BCW 230002</b>
Defendant Name:	First: <b>JOHN</b>	Middle: <b>JAMES</b>	Last: <b>HAWK</b>

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
4. This complaint consists of the preceding page(s) numbered 1 through   .
5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

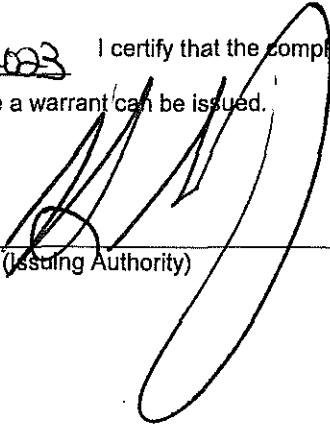
The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

**(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)**

\_\_\_\_\_ (Date) \_\_\_\_\_ (Year)  (Signature of Affiant)

AND NOW, on this date December 13, 2023 I certify that the complaint has been properly completed and verified.  
An affidavit of probable cause must be completed before a warrant can be issued.

36-3-03  
(Magisterial District Court Number)

  
(Issuing Authority)



<b>Docket Number:</b> CR 390-23	<b>Date Filed:</b> / /	<b>OTN/LiveScan Number</b> P 1001744-2	<b>Complaint/Incident Number</b> BCW 230002
<b>Defendant Name:</b>	<b>First:</b> JOHN	<b>Middle:</b> JAMES	<b>Last:</b> HAWK

**AFFIDAVIT of PROBABLE CAUSE**

Your affiant, Gregory Matthews, is currently employed as Supervisory Special Agent with the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations. This Affiant was hired by the Pennsylvania Office of Attorney General in March of 2015 as a Special Agent and was promoted to Supervisory Special Agent in July of 2018. Prior to employment with the Pennsylvania Office of Attorney General, your Affiant had obtained approximately 28 years of law enforcement experience with the Allegheny County Police Department and was assigned as a criminal investigator for 25 years. Of those 25 years with the Allegheny County Police Department, this Affiant was assigned to the Allegheny County Child Abuse Unit for approximately 9 years with additional training in the types of investigations. Your Affiant was assigned to the Allegheny County Police Homicide Unit for approximately 12 years. In the course of this Affiant's duties as a Supervisory Special Agent with the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations has conducted other criminal investigations, including but not limited to official corruption, sexual assaults, and criminal homicides.

On December 8, 2023, the Fifty-First Statewide Investigating Grand Jury issued Presentment Number 3, recommending that criminal charges be filed against John James Hawk, for violations of the Crimes Code of Pennsylvania. The aforementioned Presentment was approved by the Honorable Bruce R. Beemer, Supervising Judge of the 51st Statewide Grand Jury, by an order dated December 11, 2023. Having read and reviewed the Presentment, and after participating in this Grand Jury Investigation and considering all the facts and circumstances, your affiant has adopted the Presentment and incorporated it (Presentment) fully into this Affidavit of Probable Cause (A copy of the Presentment is attached hereto).

Based on the review of the testimony given before the Grand Jury and the documents entered into evidence for the Grand Jury, we believe that the testimony of the various witnesses is accurately summarized in the Presentment and that records mentioned in the Presentment are stated accurately as well. Based on your affiant's review of the evidence, we have respectfully concluded there is probable cause to believe that John James Hawk engaged in illegal activities, which are accurately summarized in the attached Presentment. We have determined that there is probable cause to conclude that John James Hawk violated the following laws of the Commonwealth of Pennsylvania: Title 18 Pa. C.S. 2504 Involuntary Manslaughter (1 count), Title 18 Pa. C.S. 2702 Aggravated Assault (1 count), Title 18 Pa. C.S. 2701(a)(1) Simple Assault (1 count), Title 18 Pa. C.S. 2705 Recklessly Endangering Another Person (1 count), and Title 18 Pa. C.S. 4902 Perjury (1 count). SEE ATTACHED PRESENTMENT.

**I, Special Agent Gregory Matthews, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.**

**I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAT NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.**

  
 \_\_\_\_\_  
 (Signature of Affiant)

Sworn to me and subscribed before me this 13<sup>th</sup> day of December 2023  
 \_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, 2024 SEAL

## INTRODUCTION

We, the members of the Fifty-First Statewide Investigating Grand Jury, having received evidence pertaining to allegations regarding violations of the Pennsylvania Crimes Code occurring in Beaver County pursuant to Notice of Submission of Investigation No. 7, do hereby make the following findings of fact and recommendation of charges:

## OVERVIEW

On November 6, 2022, 48-year-old Kenneth Vinyard was in the parking lot of the Walmart store located in Monaca, Beaver County when a shooting occurred. Upon police arrival, they encountered a chaotic scene where people were agitated and screaming, and an active shooter was on the loose. The victim with the gunshot wound lay in the parking lot. Vinyard was in the crowd that evening and made attempts to show a responding officer something on his telephone that he believed would assist them with the capture of the shooter. When Vinyard interrupted the officer while he was speaking with another witness, off-duty police officer Jonathan Hawk of the Center Township Police Department placed his hand on Vinyard's arm to move him away. Vinyard disengaged from Hawk and told Hawk words to the effect of "take your hands off me" but otherwise continued to move backward. Vinyard did not act aggressively toward Hawk, nor make any contact with him. Nevertheless, a few seconds later while the men were standing next to each other, Hawk struck Vinyard in the chest area and simultaneously executed a leg sweep technique which forced Vinyard to fall to the asphalt parking lot and hit his head. He died upon arrival at the hospital.

Based upon the testimony and evidence presented, including statements from civilians, paramedics and officers who were at the scene, as well as the footage from the body-worn camera device of a responding officer, the Grand Jury determined that: 1) Hawk never identified himself

as a police officer nor displayed any credentials; 2) Vinyard was not acting in a manner that posed any threat to the safety of police or others; 3) Vinyard did not resist any lawful directive and, in fact, no such directive was given as Hawk simply stated, "come with me," "let's go" and Vinyard complied; 4) Hawk was never seen nor heard announcing that he was placing Vinyard under arrest; 5) As an off-duty police officer, Hawk only had authority to arrest if a jailable offense requiring a full custodial arrest occurred and he was in possession of police identification; 6) Vinyard's conduct, at most, amounted to the summary offense of disorderly conduct or public intoxication which would simply require the issuance of a citation; 7) Center Township Police Departmental procedure provides that except where otherwise allowed by policy, off-duty officers should not enforce summary offenses or minor violations but must instead contact on-scene officers to respond to the situation and Hawk failed to make any such notification; 8) Vinyard was simply standing next to Hawk when he was forcefully taken to the ground; and, 9) Hawk was untruthful when he testified before the Grand Jury.

The Grand Jury was educated on Section 508 of the Pennsylvania Crimes Code which sets forth the circumstances in which a peace officer's use of force while making an arrest is justified. When evaluating the above determinations within the Section 508 framework, the Grand Jury finds that there was no legal justification for Hawk's actions on November 6, 2022 and that criminal charges should be filed against him in connection with Vinyard's death.

The details of the Grand Jury's investigation now follow.

#### **FINDINGS OF FACT**

Marcy Beatty, Vinyard's fiancée, appeared before the Grand Jury and testified that during the day of November 6, 2022, she, Vinyard, and Matthew Molish, Vinyard's friend, attended an event in Monaca, Beaver County. On the way home, they stopped at the local Walmart. Beatty

described Vinyard as intoxicated, but not out-of-control. Beatty stated that Vinyard was approximately 6 feet 1 inch tall and weighed approximately 350 pounds. Vinyard remained in the vehicle while Beatty went into the store. While inside, Beatty testified that she heard several people screaming that there was a "shooter" outside. Beatty left the store and came out to find Vinyard standing over a young male that had been shot. Vinyard called Beatty over to assist the shooting victim as she is a medical assistant. Shortly thereafter, first responders arrived.

Beatty testified that after the first responders arrived, she recalled seeing Vinyard standing 10-20 feet away from the shooting victim, along with Molish and others. As she was walking toward Vinyard, she stated that "a guy came out of nowhere" and started pushing Vinyard backward. It was Hawk. She described him as wearing a hoodie, jeans, a baseball hat turned backwards, and, dark-rimmed glasses. Beatty noted that Hawk was not wearing any credentials that identified him as a police officer. After pushing Vinyard backward, Beatty testified that Vinyard started backing away. Beatty then saw Hawk shove Vinyard in the upper chest area and simultaneously leg-sweep him from behind. This caused Vinyard to fall and strike his head on the ground. Beatty stated that she heard Vinyard's head hit the asphalt. Beatty stated that Vinyard did nothing to provoke Hawk's actions.

Beatty ran over to Vinyard, noticed his jaw was clinched, and believed he was having a seizure. Beatty performed CPR on him until the medics arrived. Vinyard was transported to the Heritage Valley Beaver Medical Center where he was pronounced dead. Todd Luckasevic, M.D., a forensic pathologist with the Allegheny County Medical Examiner's Office, determined that Vinyard died as a result of atherosclerotic cardiovascular disease and that the blunt force trauma



and accompanying stress inflicted by Hawk contributed to his demise. The manner of death was ruled accidental.<sup>1</sup>

Beatty explained that at the time of his death, Vinyard had been attempting to assist in the shooting investigation. Vinyard had taken pictures of the shooter's car and had chased it. She stated that she learned that Vinyard had been attempting to inform law enforcement of the direction in which the shooter had fled.

Officer Jeffrey Householder ("Officer Householder") of the Center Township Police Department testified that he was one of three Center Township Police Officers to respond to the shooting. Two officers from Monaca Police Department also responded. He stated that all Center Township police officers are equipped with a body-worn camera device and that while the camera can be manually operated, it is programmed to turn on automatically upon dispatch for an emergency. The Grand Jury learned that Officer Householder's camera recorded the scene in the parking lot, including Hawk's assault on Vinyard.<sup>2</sup>

Officer Householder testified that shortly after his arrival, he was approached by Hawk. Hawk was off-duty at the time and had no credentials that would identify him as a police officer. Officer Householder further testified that he never heard Hawk verbally identify himself as a police officer while on scene. Officer Householder instructed Hawk to assist by securing the crime scene with police caution tape.

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<sup>1</sup> Special Agent Greg Matthews (SA Matthews) of the Pennsylvania Office of Attorney General (OAG) testified before the Grand Jury regarding the different "manner of death" as classified by medical examiners. These include homicide, natural, accidental and undetermined. The Grand Jury learned that these terms may sound similar to language used in criminal law, but may have different meanings. Thus, when a pathologist determines that a death was "accidental," it means only that he/she determined that the death was not an intentional killing. The Grand Jury notes that the recommended charge of involuntary manslaughter is classified under Pennsylvania criminal law as a homicide that occurs when someone causes the death of another without a specific intent to kill, but as a direct result of doing an unlawful act in a reckless or grossly negligent manner.

<sup>2</sup> The body-worn camera device of Center Township Police Officer Nicholas Shawger did not capture the assault.

Officer Householder described the scene as very chaotic and that everyone there, including Vinyard, appeared to be upset and agitated. He stated:

... someone was just shot. So everybody was screaming, very chaotic, very disorderly. Multiple subjects were still arguing amongst each other. At that point, I didn't know who was involved. We were trying to determine and calm everyone down.

Officer Householder testified that Vinyard approached him numerous times in an attempt to share information, including a photograph on his cellular telephone. He agreed that Vinyard's intention was to assist in the capture of the shooter. Due to the chaotic nature of the scene, however, he stated that he was not able to have a full conversation with Vinyard. He testified that Vinyard listened to his commands and followed them. Although he described Vinyard as being frantic and upset, he acknowledged that "pretty much everyone that was civilian was agitated and upset." He stated that multiple people could have been detained that day for being disorderly but this did not occur because "that was the least of our concerns. We were looking to apprehend a shooter." He confirmed that no one was arrested that day for being disorderly or interfering with an investigation. When asked about two females who were fighting with each other at the scene, Officer Householder noted that they were not arrested because "I had more pressing things to do."

At one point, Officer Householder approached a friend of the shooting victim who was speaking with Vinyard and Molish. Officer Householder testified that Vinyard appeared to be trying to calm the victim's friend. He stated that as he began speaking with the victim's friend, Vinyard continued to interrupt him. As he was trying to calm Vinyard, Hawk inserted himself and forced Vinyard to step away. Officer Householder testified that Hawk asked Vinyard to step back and Vinyard complied. Officer Householder did not see any other interaction between Hawk and Vinyard after that point. He stated that his attention was subsequently drawn in the direction of Hawk due to a verbal altercation between Hawk and Beatty. Officer Householder testified that

Hawk and Beatty were screaming at each other and that he had to de-escalate the situation by instructing Hawk to move back.

The Grand Jury learned that approximately 20 minutes after Vinyard was forced to the ground, Officer Householder was approached by Hawk. Hawk asked him to turn off his body camera. Officer Householder manually turned it off and a conversation with Hawk ensued. Officer Householder testified that Hawk said something to the effect of "he and Vinyard pushed each other and Vinyard fell over." Officer Householder dismissed Hawk from the scene. Hawk subsequently left without notifying the officer in charge of the scene -- Officer Jeff Nolfi -- about what had transpired with Vinyard.<sup>3</sup>

With respect to arresting Vinyard for the summary violations of disorderly conduct and public intoxication, Officer Householder testified that as an off-duty officer, Hawk lacked any authority to make such an arrest and should have contacted a uniformed officer. He stated Hawk never notified him about any such conduct on the part of Vinyard.

Officer Householder testified that he cleared the parking lot and subsequently made an arrest in the shooting case. After processing the arrest, Officer Householder returned to the Center Township Police Department. There, Officer Householder and Captain John Hall reviewed the footage recorded on Officer Householder's body-worn camera. The camera had captured the interaction between Hawk and Vinyard and demonstrated that Hawk's statement to Officer Householder at the scene was simply untrue because the video did not show Vinyard and Hawk push each other with Vinyard simply falling over. Instead, the video revealed that Vinyard was forcefully taken to the ground without any justification.

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<sup>3</sup> The Grand Jury learned that Hawk also failed to notify the Chief of Police of his conduct and failed to complete a use of force report.

The Center Township Police Department subsequently conducted an internal investigation led by Chief Barry Kramer ("Chief Kramer"). Chief Kramer informed the Grand Jury that as part of the internal investigation, he analyzed and time-stamped Officer Householder's body-worn camera recording. This video was viewed by the Grand Jury and simultaneously described by Chief Kramer. The video began with the arrival of Officer Householder in the parking lot. The video next depicted Vinyard attempting to show Officer Householder something on his cellular phone, and Officer Householder guiding Vinyard away as he tried to prioritize the scene. Vinyard complied with Officer Householder's instructions. At 2 minutes and 37 seconds, Hawk was first seen on camera, assisting in obtaining crime scene tape, and Vinyard could be heard in the background. Hawk was not in uniform, nor was he wearing any police credentials. At 5 minutes 47 seconds, Vinyard appeared inside the crime scene tape in the vicinity of the shooting victim. At 5 minutes 54 seconds, Officer Householder was seen speaking to Vinyard, Molish and a friend of the victim. The video next depicted Vinyard interrupting Officer Householder and, at 6 minutes 21 seconds, Officer Householder used his hand to move Vinyard back so that he could continue to speak with the victim's friend. At the same time, Hawk entered the video and began to move Vinyard backward and away from Officer Householder by placing his hand on Vinyard's arm.

At 6 minutes and 25 seconds, Hawk continued to move Vinyard away from Officer Householder. At that time, Vinyard swung his right hand in an apparent attempt to try to disengage the contact from Hawk and stated something to the effect of "get your hands off of me." During this exchange Hawk stated, "I'll fucking arrest you," and Vinyard responded by stating words to the effect of, "what are you going to arrest me for." The Grand Jury notes that this hand movement did not appear to be aggressive towards Hawk, nor did Vinyard make any contact with Hawk. Seven seconds later, at 6 minutes and 32 seconds, when the two men were standing still, Hawk

took his right leg and swept Vinyard's legs out from underneath him while simultaneously striking Vinyard's chest below the neck. Vinyard fell to the asphalt parking lot. The Grand Jury notes that Vinyard was standing completely motionless at the time Hawk executed the leg sweep maneuver on him. At this point, the commotion drew Officer Householder over to the area where Vinyard was seen lying motionless on his left side approximately 10 feet away. The Grand Jury notes that the footage revealed that Hawk never verbally identified himself as a police officer before taking Vinyard to the ground, was not displaying any police credentials, was not in the process of trying to detain or subdue Vinyard when he assaulted him, did not instruct Vinyard to lie down on the ground or comply with any directives, and, did not announce he was placing Vinyard under arrest when he assaulted him. The Grand Jury learned that the other Center Township Police Department officers on scene - - Officers Shawger and Nolfi - - advised that they did not hear Hawk identify himself as a police officer, nor did they see any credentials displayed. Additionally, Hawk never informed them about any criminal charges for Vinyard.

At 6 minutes 45 seconds, the footage revealed that Hawk appeared agitated and was instructing numerous people to "back up." At 6 minutes 54 seconds, Hawk engaged in a verbally aggressive manner with Beatty. At 8 minutes, Hawk approached Beatty and again engaged in a verbally aggressive manner with her. Hawk, appearing to be agitated, was then approached by Officer Householder who placed a hand on Hawk. Officer Householder could be heard stating, "Hawk just please." At 8 minutes 55 seconds, Hawk was observed kneeling down next to Vinyard. Finally, at 24 minutes 2 seconds, Hawk approached Officer Householder. The footage revealed that Hawk specifically requested to speak to Officer Householder without Officer Householder's camera activated.

Because Center Township Police Department could not conduct a criminal investigation into the actions of one of its own officers, the investigation into Hawk was ultimately referred to the OAG. During the course of the investigation, SA Matthews and Special Agent Amber Lasinski of the Federal Bureau of Investigation interviewed three paramedics who had responded to the call about the shooting victim. Two paramedics advised that they never heard Hawk identify himself as a police officer and one of those individuals stated that she watched Hawk "wind up" to punch Vinyard around his head or neck. This paramedic stated that prior to the punch, Vinyard was standing with his hands at his side and did not push or make any motion toward Hawk. She further informed police that Vinyard was not able to brace himself and fell straight backward. The third paramedic advised that he heard someone yelling about a seizure and, when he looked over, he saw Vinyard lying on the ground. The paramedic advised that when he asked what had occurred, "a male that was to my left answered that the male that was now on the ground had got into his face, and he pushed him back and he fell." Although he could not identify who made the statement - - and he did not know Hawk - - he stated that the person who uttered those words never identified himself as a police officer.

Civilians who were in the parking lot on November 6, 2022 were also interviewed. One witness advised that Hawk never identified himself as a police officer and that Vinyard had been attempting to help the police and show them a video on his cellular telephone. Another witness informed investigators that Vinyard was trying to help the shooting victim and calm other individuals who were present. She did not hear Hawk identify himself as a police officer and did not see Vinyard do anything to Hawk. She stated that she was "pretty sure" that Hawk tackled Vinyard with a hard push and Vinyard hit his head.

Hawk appeared and testified before the Grand Jury. He admitted that he did not have any police credentials displayed on his person when he was in the parking lot. He testified that before the dispatched officers arrived, he "was telling multiple, multiple, people, multiple times, I'm a Center Township police officer, just making it known" and that he told "anyone who is listening. I was speaking it aloud so people knew that there was a police officer on-scene." He stated that he approached the shooting victim and told him he was a police officer and that Vinyard was standing right next to the victim at that time. He claimed that he continued telling individuals that he was a police officer after the dispatched officers arrived on scene but this version of events is plainly contradicted by the accounts of the witnesses and the video footage.

Hawk testified that after Officer Householder arrived on scene, he observed Officer Householder speaking with Vinyard. Hawk stated that he subsequently approached Vinyard and told him to leave. He then placed his hand on Vinyard's chest and told him to move back. Vinyard complied and then swiped Hawk's hand away. Hawk again claimed that he identified himself as a police officer and that other witnesses at the scene would have heard him. He was then played a portion of the video depicting his initial encounter with Vinyard. He acknowledged that there was no evidence of any such statement on the video. He admitted that after Vinyard swiped his hand away, the video depicted the two of them standing and facing each other and that Vinyard's hands were down at his side. Despite that, however, he testified that he believed that physical force was warranted. He acknowledged that in this particular portion of the video, once again there was no evidence that he identified himself as a police officer. He testified that prior to striking Vinyard and utilizing the leg sweep maneuver, he felt that physical force was warranted.

Hawk acknowledged that Officer Householder did not request him to remove Vinyard from the scene; however he testified that "due to our department policy, any misdemeanor or above,

which this was an active shooter, a felony was committed, I have an obligation to act. It was my township that I work in and I was there. I had to act.”

Hawk told the Grand Jury that he told Vinyard “he was getting f---ing arrested.” When asked what crimes Vinyard had committed, he responded that “He was interfering with an investigation, public intoxication, and I -- we -- probably disorderly conduct, also.” He noted that while the latter crimes were summary offenses, interfering with a police investigation was not. He claimed that Vinyard had provided false information to police and that was why he was asked to leave the scene. When questioned further, however, Hawk admitted that he did not believe that anyone had actually told Vinyard that he had provided false information; rather, Vinyard was just instructed to stop talking. He acknowledged that the scene was chaotic and that a lot of people were coming up to officers, trying to inform them about what had occurred.

Hawk acknowledged that he asked Officer Householder to turn off his camera but denied that he told Officer Householder that he and Vinyard pushed each other and Vinyard fell over. Instead, he claimed that “he may have said something, but not went into detail about it.” The Grand Jury finds this statement not to be credible.

Hawk testified that he attended trainings throughout his law enforcement career including the art of de-escalation, which he described as

being able to go to a scene with someone who was not cooperative and try to talk to them as much as you could -- instead of just going and start yelling back and forth, to try to talk first . . . If that doesn't work, then you start progressing to the next level of -- once I try to reason with you, I'm going to now tell you, hey, listen, if you don't do this, you are going to get arrested. . . If you continue to try to talk to them and then if they are not complying, and you have a lawful reason to arrest or detain them, then you detain them.

The Grand Jury finds that rather than de-escalate the situation, Hawk, in fact, did just the opposite.

Vinyard was not acting aggressively, nor resisting commands, when Hawk unlawfully utilized



unnecessary force to implement a technique designed to bring an individual into contact with the ground without the individual being able to break the fall. And, in this case, that ground surface was made of asphalt.

With respect to Vinyard's conduct, Chief Kramer informed the Grand Jury that it did not rise to a serious enough level to warrant an arrest by an off-duty officer. He explained to the Grand Jury that Center Township has a departmental policy that provides that off-duty police officers have the authority to make an arrest for a jailable offense, but they must be in possession of police identification. Chief Kramer stated that, in his professional opinion, it was questionable whether Vinyard's action rose to anything more severe than a summary offense, for which a custodial arrest was not warranted as a citation could simply have been issued. For summary offenses like public intoxication, if Hawk, as an off-duty officer, believed that such conduct was occurring, he was required to report information of any such conduct to an on-duty officer. As noted above, this did not occur.

Based upon interviews and a review of the video, Chief Kramer concluded that Hawk's use of force was excessive; and, that it was not reasonably necessary to effectively bring an incident under control while protecting the lives of an officer or another. The excessive force included sweeping Vinyard's feet out from underneath him, while at the same time driving Vinyard to the ground by striking his upper chest. Additionally, Chief Kramer concluded that Hawk failed to display "appropriate police identification" to separate himself from the public and identify himself as a police officer in violation of Center Township Police Department policy.

The Grand Jury also reviewed an October 6, 2023 report issued by a PSP trooper with training as a "Use of Force Specialist." The trooper offered various justifications for Hawk's use of force, while ultimately concluding that he did not possess sufficient information to form an

opinion to a reasonable degree of professional certainty as to whether Hawk's use of force was supported by criminal justification standards set forth in Section 508 of the Pennsylvania Crimes Code. The Grand Jury reviewed and considered the same interviews as the specialist, as well as Officer Householder's video footage, and found that there was indeed sufficient information on which to draw a conclusion.

The Grand Jury finds that the totality of the evidence supports the conclusion that Hawk's use of force was not legally justified. Of particular significance is the video evidence, which clearly indicates that there was no interaction between Hawk and Vinyard at the time of the assault. But the Grand Jury additionally takes note of, *inter alia*, the fact that Hawk was untruthful at the scene when he told Officer Householder that Vinyard fell over;<sup>4</sup> that he failed to notify the officer-in-charge of the scene and the chief of police about what had transpired with Vinyard; and, that he did not even bother to complete the use of force form following Vinyard's death. Hawk then proceeded to make false statements under oath that were material to the Grand Jury's investigation into Vinyard's death. Hawk's testimony that physical force was warranted under the circumstances presented on November 6, 2022 is not supported in the evidence received by the Grand Jury.

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<sup>4</sup> As recounted earlier in this Presentment, while the paramedic could not identify the speaker who responded to his inquiry about what had happened to Vinyard, it was a male who replied that he had pushed Vinyard back and he fell. This is similar to what Hawk had stated to Officer Householder.