



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



2022-2016

Officer-Involved Critical Incident - 5611 East Third Street, Mineral City,
OH, Tuscarawas County, Ohio 44656

Investigative Activity: Officer Interview Report
Involves: Deputy ██████████
Activity Date: 10/19/2022
Activity Location: Tuscarawas County Sheriff's Office
Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Wednesday, October 19, 2022, at 1305 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy (Goudy) and SA Todd Clark (Clark) interviewed Tuscarawas County Sheriff's Office (TCSO) Deputy (Dep.) ██████████ ██████████, who was accompanied by his attorney, Tom Hanculak, from the Fraternal Order of Police. The interview took place at the Tuscarawas County Sheriff's Office. The interview was audio recorded. Prior to the interview, Dep. ██████████ read, understood and signed the BCI Criminal Investigation Notification form.

Dep. ██████████ stated he was hired by the TCSO as a full-time deputy on March 25, 2019. Prior to that, Dep. ██████████ stated he worked full time with the Minerva Police Department from May of 2018 to March of 2019. Dep. ██████████ also worked full time for the Stark County Sheriff's Office from January of 2018 to May of 2018. Dep. ██████████ attended the Kent State University, main campus, Police Academy from August of 2017 to December of 2017.

Dep. ██████████ stated his badge number is ██████████ and he is currently assigned to day shift patrol with rotating days off. Dep. ██████████ stated he was wearing his standard Buckeye State Sheriff Association (BSSA) approved deputy sheriff uniform consisting of a black shirt with deputy sheriff patches, along with grey pants with a black stripe down the sides. Dep. ██████████ further stated, he had his exterior vest on with the sheriff star badge, name plate and a United States flag displayed. Dep. ██████████ stated he was driving the standard TCSO patrol vehicle, # ██████████ with the standard BSSA markings all around the vehicle. Dep. ██████████ was well represented as a law enforcement officer at the time of the incident.

When asked about the equipment he was carrying, Dep. ██████████ stated he had his duty-issued Smith and Wesson M&P 2.0 9mm handgun with one magazine in it, along with three extra magazines, each with a 17-round capacity. Dep. ██████████ stated he carried each magazine at full capacity, with 17 rounds plus the one 9mm round in the chamber prior to the incident. Dep. ██████████ further stated, on the day of the incident, he also carried his Colt 5.56, M-16 patrol rifle with one 30-round magazine. Dep. ██████████ stated he only carried 28 rounds in that magazine.



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Dep. ██████ stated he was well-rested at the time of the incident. Dep. ██████ further stated he wears contact lenses; in which, he did have in on the day of the incident. Dep. ██████ also stated he has no physical disabilities, and he is only on blood pressure medication, along with medication for acid-reflux. When asked if Dep. ██████ was ever involved in any officer-involved shootings, he stated he was. Dep. ██████ stated, approximately two months prior in Newcomerstown. Dep. ██████ stated he did not fire his weapon in that one. Dep. ██████ continued on, stating approximately a year and a half ago in Bolivar, he was called out with SWAT, but did not fire his weapon. When asked if Dep. ██████ had any use of force complaints filed against him, he replied, "None that I'm aware of."

On the day of the incident, prior to arrival, Dep. ██████ stated he was on his way to a welfare check. While en route, Dep. ██████ stated he overheard dispatch report that Sgt. ██████ and Dep. ██████ were in Mineral City on a Temporary Protection Order (TPO) violation call and additional assistance was requested. Dep. ██████ stated he immediately disregarded his welfare check and responded to Sgt. ██████ location. Dep. ██████ stated, as he was driving to Sgt. ██████ location, Sgt. ██████ said over the radio that Everett Martin (Martin) had a knife and was threatening suicide. At that point, Dep. ██████ stated that he asked over the radio if they had a bean bag, less-lethal shotgun available. Lieutenant (Lt.) ██████ advised he was on his way and that he had one available.

When Dep. ██████ arrived on scene, he followed Lt. ██████ around to 3rd Street and stopped in front of the residence. At this point, Dep. ██████ stated Lt. ██████ had the less-lethal shotgun, and he provided lethal cover with his patrol rifle. Dep. ██████ stated he heard Sgt. ██████ talking to Martin, as Martin stood on a small incline on the side porch. Dep. ██████ stated Sgt. ██████ advised him and Lt. ██████ that they may be able to get into the rear of the property by climbing over a privacy fence. At this point, Dep. ██████ Lt. ██████ and Dep. Cox made their way to what appeared to be an opening in the fence blocked with "stacked trusses covered with a tarp."

After trying to get into the fenced in property at another location, Dep. ██████ and Lt. ██████ were able to get over the fence, where the stacked trusses were. As they were about to go over the fence, Dep. ██████ stated he noticed Martin walk toward the back of the property. While doing so, Dep. ██████ stated he believed Martin did not notice them getting over the fence from where he was located. At that point, Martin walked back toward the side of the house.

After Dep. ██████ and Lt. ██████ made it over the fence, Dep. ██████ was Lt. ██████'s lethal cover as they made their way over to a tank (homemade grill) for cover. After they made their way behind cover, Martin did not realize Dep. ██████ and Lt. ██████ were there. Dep. ██████ stated they were approximately 7 to 10 yards away from Martin. Dep. ██████ stated, at this



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point, Martin had his back to them while he was talking to Sgt. [REDACTED] in the front yard. Lt. [REDACTED] then leveled the less-lethal shotgun and yelled to Martin, "Let me see your hands!" Dep. [REDACTED] stated Martin pulled his arms to where they couldn't see them and looked over his shoulder. Dep. [REDACTED] stated Lt. [REDACTED] then fired the less-lethal round at Martin and struck him on the left backside, just above the beltline. At this point, Dep. [REDACTED] stated he then stepped to the left and yelled, "less lethal," a few times. Dep. [REDACTED] stated the less-lethal round did not appear to have any effect on Martin.

At this point, Dep. [REDACTED] stated that Martin turned and rammed his shoulder into the door in an attempt to get into the house. Dep. [REDACTED] stated he then yelled that Martin was trying to get into the house. Martin then turned to face toward Sgt. [REDACTED] and Dep. [REDACTED]. Dep. [REDACTED] then stated he saw Martin's shoulders roll forward as he was extending both arms outwards, as if he were presenting a gun. Dep. [REDACTED] stated he then heard Sgt. [REDACTED] yell, "gun, gun, gun." Dep. [REDACTED] stated he then fired two to three rounds at Martin. At this point, Dep. [REDACTED] stated, Martin then slumped down against the door. Dep. [REDACTED] began to close the distance on Martin. As Dep. [REDACTED] got closer, he noticed a black handgun lying on the ground near him (Martin).

After Dep. [REDACTED] noticed the handgun, while still covering Martin, he was able to slide the handgun away from him. After the handgun was secured, Dep. [REDACTED] continued to cover Martin until he [Martin] was secured. First aid was provided until EMS arrived. Dep. [REDACTED] stated once Martin was secured and EMS arrived, he secured his patrol rifle back into his patrol vehicle.

When asked how many rounds Dep. [REDACTED] fired, he stated he fired his weapon two to three times. When asked if Dep. [REDACTED] believed he struck Martin, Dep. [REDACTED] stated that he did. Dep. [REDACTED] stated he felt Martin was a threat to himself and other responding deputies. The interview concluded at approximately 1335 hours.

The interview was audio recorded. The audio recording was attached to this report. The signed BCI Criminal Investigation Notification form is also attached to this report. Please see the attachments for further details.



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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).

[Redacted Name]

Printed Name of Interviewee

10/19/2022 1307 hrs
Date / Time

[Redacted Signature]

Signature of Interviewee

SA Joseph Goudy
BCI Agent (Printed)

[Signature] 83
BCI Agent (Signature)