



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



2022-1190
Officer Involved Critical Incident – 1551 Meadowlark Lane,
Marysville, Ohio 43040 (L)

Investigative Activity: Interview with Officer
Involves: Jacob Matejko (S)
Date of Activity: 06/07/2022
Activity Location: Union County Sheriff's Department – Business – 221 W Fifth St,
Marysville, OH 43040, Union County
Author: SA Perry K. Roeser, #114

Narrative:

On June 7, 2022, the Ohio Bureau of Criminal Investigation BCI, Special Agent (SA) Perry Roeser, and SA Doug Eveslage conducted an Involved Officer Interview with Union County Deputy Sheriff Jacob Matejko (Matejko). The interview was part of the investigation of the Officer-Involved Critical Incident (OICI) from May 30, 2022, in front of 1551 Meadowlark Lane, Marysville, Ohio. The interview occurred at the Union County Sheriff's Office at 221 W. Fifth Street, Marysville, Ohio.

Matejko discharged his firearm at the involved subject, Matthew Todhunter (Todhunter), after Todhunter presented and pointed a gun at Matejko. Todhunter did not survive the law enforcement contact.

The investigator recorded the interview. The details below summarized the pertinent portions of the recorded interview with Matejko and were not taken verbatim unless noted by quotation.

Matejko had his attorney, Robert Sauter, present for the interview. The discussion began at 1400 hours. Before questions were asked, SA Roeser read the BCI Criminal Investigation Notification form to Matejko, which he acknowledged and signed. See attachment #1. Attorney Sauter presented SA Roeser with a typed seven-page statement (attachment #2) titled "Statement of Deputy Jacob Matejko, Union County Sheriff's Office, Regarding Incident of May 30, 2022." The statement was signed and dated by Matejko. The official report will be held in the permanent case file at BCI, London, Ohio.

SA Roeser asked several administrative questions to Matejko before any questions related to the OICI were asked. Matejko said he was 31 years old, and his badge number was 858, which was also his radio call sign. Matejko said he was assigned to uniform patrol and worked second shift hours with Wednesday and Thursday off. Matejko said he was also

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the department's K9 handler. Matejko said he began employment with the sheriff's office in February 2017, and had prior law enforcement experience with Sharon Township Police Department from August 2014 to February 2017. Matejko stated he worked a little overtime before the May 30, 2022, incident date. Matejko said he was in the day's uniform, with his pistol, a Glock 17, and two magazines on his duty belt. Matejko said he tops off his firearm with an extra cartridge. Matejko noted he does not carry OC spray or an ASP on his duty belt due to his K9 duties. The only other less-lethal option Matejko had was his Taser. Matejko said other than the Body-Worn Camera, he had no other recording devices active. Matejko said he was operating cruiser #67, and everything was operational. Matejko said he had no partner in cruiser #67 the night of the OICI. Matejko explained the onboard MDT was used more for report writing, LEADS inquiry, and dispatch information. Matejko noted that the cruiser radio was used for communication with dispatch. Matejko stated he had no specialized training other than his K9 duties. Matejko gained his Ohio Peace Officer Certification in April 2014. Matejko stated he took no prescription medication and did not consume alcohol 24 hours before the OICI had occurred.

Matejko was asked if he had experienced any other OICI. Matejko said, "yes", and explained on April 30, 2022, he was an involved officer in another shooting in Plain City, Ohio. Matejko noted that the BCI investigation had not yet been presented to a grand jury. Attorney Sauter stated he was representing Matejko in that case as well. Matejko was asked if he had any previous discipline or use of force complaints settled against him. He said no.

SA Roeser then asked Matejko how he became involved with the call on Meadowlark Lane. Attorney Sauter then requested if Matejko could just read his prepared statement starting at page #3, the third paragraph. SA Roeser acknowledged the request, and Matejko read his statement word for word to the end of page #7.

In Summary, Matejko said he was in the dispatch center when he overheard the 911 call for assistance arrive. In the call, a man pointed a gun at others in the 1500 block of Meadowlark Lane. As Matejko was headed to the scene, dispatch told him that the man with the gun was in a white pick-up truck. Matejko stated he arrived from the northbound direction at approximately 1835 hours and found Todhunter in the white pick-up truck and a white Audi with two females pulled up simultaneously from the southbound direction. Matejko indicated he recognized one female from the car as Brittany Harding from prior law enforcement contact. Matejko stated he had no previous contact with Todhunter. Matejko said he ordered Todhunter to put his hands out of the driver's side window several times which he complied. Matejko stated he had nothing in his hands. As Matejko was shouting orders to Todhunter, he said the two females were yelling at him, "he does not have a gun." Matejko then ordered Todhunter out of the truck. Matejko said Todhunter exited the truck "quickly" with a gun in his right hand down by his side. Matejko said as he ordered Todhunter to drop the weapon; Todhunter pointed the gun directly at him in a shooting stance. Matejko stated he fired his duty weapon 4-5 times toward Todhunter due to the threat he posed to his life. Matejko continued and said he discharged his gun because of the immediate threat to his life.

Matejko noted after Todhunter fell to the ground, Harding jumped on Todhunter and yelled. Matejko stated as he approached Todhunter, the gun was near his body. Matejko said he kicked the gun away from Todhunter and ordered Harding off of Todhunter so aid could be

rendered. Matejko said after he kicked the gun away, the back handle fell off, and a CO2 canister appeared. At that point, Matejko thought the gun was not real.

From Matejko's written statement, other law enforcement arrived and assisted with first aid until Marysville medics arrived and transported Todhunter to an area hospital, where he was pronounced deceased.

When Matejko completed reading his official statement, SA Roeser asked Matejko if he was familiar with the Union County Sheriff's Office's Use of Force Policy and if he felt he complied with the procedure. He answered in the affirmative to both questions. SA Roeser then asked if less lethal options would have been appropriate given the situation. Matejko answered, "no". SA Roeser asked Matejko why he discharged his weapon at Todhunter. Matejko said Todhunter pointed "what he believed to be a firearm directly at me." Matejko was then asked if he was in fear of his life. He said, "yes". SA Roeser then asked Matejko his thought process when he saw the firearm pointed at him. Matejko said, "if I'm wrong, I'm dead."

The interview between the agents and Matejko was digitally recorded and can be reviewed for additional details. See attachment #3 for a copy of the audio recording.

Attachments:

Attachment # 01: Criminal Investigation Notification-Jabob Matejko

Attachment # 02: Official Statement from Jacob Matejko

Attachment # 03: 2022-06-07 / Interview of Jacob Matejko

Exhibit 1



Ohio Attorney General's Office Bureau of Criminal Investigation



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).

JACOB MATEJKO
Printed Name of Interviewee

6/7/2022 1408
Date / Time


Signature of Interviewee

SA Perry Roeser
BCI Agent (Printed)


BCI Agent (Signature)

Exhibit 2

Statement of Deputy Jacob Matejko, Union County Sheriff's Office,
Regarding Incident of May 30, 2022

Background

I began full-time employment with the Union County Sheriff's Office as a Deputy Sheriff in February 2017. I completed basic peace officer training at the Delaware Area Career Center in April 2014. Prior to joining the Union County Sheriff's Office, I served as a Patrol Officer with the Sharon Township Police Department in Franklin County from August 2014 until February 2017.

I have prior military experience, having served in the United States Air Force from 2009 through 2010. I was honorably discharged.

I am a graduate of Marysville High School, Marysville, Ohio graduating in 2009. Thereafter, I attended some classes at Columbus State Community College.

My current supervisor at the Union County Sheriff's Office is Sgt. Chad Lee. My regularly assigned work hours are from 6:00PM until 1:00AM. I am off Wednesday and Thursday nights; I work Friday through Tuesday. In addition to my patrol duties with the Sheriff's Office, I also serve as a K9 Handler.

I wear contacts; I do not take prescription medication that would affect my ability to operate as a law enforcement officer. I was not under the influence of alcohol or any drug, prescription or otherwise, on the date of the Meadowlark Lane incident.

I have received no discipline during my employment as a Deputy Sheriff.

As to use of lethal force, I used lethal force on April 30, 2022. This incident resulted in a BCI investigation which is currently ongoing. I was interviewed by BCI regarding the incident on May 10, 2022.

My use of less-than-lethal force during my career is limited to one (1) Taser deployment and one (1) o/c spray deployment.

I am familiar with the Union County Sheriff's Office use of force policy, as I am trained on the policy on a yearly-basis. I was trained on these policies in the summer of 2021 by my supervisor, Sgt. Chad Lee. I also reviewed these policies in preparation for my BCI interview on May 10, 2022.

I carry a Glock 17 as my primary duty weapon. The pistol is issued to me by the Sheriff's Office. I last qualified for the weapon in May of 2022. I carry three (3) magazines, two (2) on my belt and one (1) magazine loaded in the pistol. There are twenty-two (22) rounds of ammunition in the magazine in the pistol, and seventeen (17) rounds of ammunition in the two (2) magazines on my belt. I load one (1) additional round in the chamber of the pistol.

On the date of the Meadowlark Lane incident, I was carrying the following items: Glock 17, two (2) magazines, K9 remote, Taser, radio, flashlight and two

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(2) pairs of handcuffs. I had access to a SIG M400 rifle which was issued to me by the Sheriff's Office.

On the Saturday and Sunday, May 28 and 29 respectively, I worked from 6PM until 2AM. Which is my normal shift plus one-hour of overtime. I was well-rested at the time of the incident on Monday, May 30, 2022, as I had slept approximately six (6) hours and napped for an hour earlier in the day, prior to reporting to work.

I was dressed in the regular County Sheriff's BSSA approved uniform.

I was wearing a body camera in accordance with Sheriff's Office policy. I drove to the incident scene in a marked patrol Ford Explorer (#67) which was equipped with an in-car video recording system that was working (audio and video) during the incident. I was not carrying any personal recording device.

Incident Narrative

On May 30, 2022, I reported to work at 6pm which was the midpoint of the afternoon shift. I first went to the Dispatch Center with the intent to finish a report from my previous shift. I overheard a 911 call received by two (2) dispatchers that reported there was a person with a gun pointing it at others in the 1500 block of Meadowlark Lane. I left immediately to respond to the call. As I left the Dispatch Center, I was aware that other units from the Union County Sheriff's Office, as



well as Marysville Police Department were also responding. As I responded to the area, I was notified that the suspect, later identified as Matthew Toddhunter, was in a white pickup truck on the street.

I arrived northbound on Meadowlark Lane, a residential street, at approximately 6:35PM. It was still daylight; lighting was good, and the weather was very warm. I was the first to arrive and immediately saw Matthew Toddhunter in a white pickup truck parked northbound on the street blocking a driveway. I parked my cruiser in the middle of the road behind the pickup truck. There was no traffic. There were other cars parked on the street, but it did not impede my line-of-sight. The back window of Mr. Toddhunter's pickup truck was tinted but I could clearly see his driver side window was down.

Two middle-aged females pulled up southbound in a white Audi at approximately the same time I did. They parked their car on the southbound side of the road in front of me. I recognized the one female as Brittney Harding due to prior law enforcement contact with her. I exited my cruiser and stood behind my cruiser door in case I needed to use it for cover. I had my firearm drawn because the call was for a man with a gun.

I then ordered Mr. Toddhunter to put his hands out of the window multiple times. As I was trying to give Mr. Toddhunter commands the two females were out of their car yelling at me.

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After telling Mr. Toddhunter multiple times to put his hands out of the driver side window he eventually complied. When Mr. Toddhunter put his hands out of the window, he had nothing in them. Around this point Ms. Harding yelled that Mr. Toddhunter did not have a gun. I then ordered Mr. Toddhunter to exit the vehicle slowly. Mr. Toddhunter then proceeded to put his hands back into the vehicle and when he did so I was unable to see what he was doing.

Mr. Toddhunter then exited his vehicle extremely quickly with a black handgun (“gun”) in his right hand down by his side. The gun had no external markings or indicators that would have put me on notice that it was not a gun. Despite what Ms. Harding had said, I saw that Mr. Toddhunter had a gun.

As I was ordering Mr. Toddhunter to drop the weapon he pointed the gun directly at me in a shooting stance. I fired approximately four (4)-five (5) rounds. When I fired my rounds, the backdrop was the front of his pickup truck. I aimed at Mr. Toddhunter’s center mass to stop the threat he posed to me. When I fired, I faced an immediate threat to my life. After I fired, I notified dispatch twice that shots had been fired.

Ms. Harding then immediately jumped on Mr. Toddhunter’s body and began yelling. I tried to tell Ms. Harding to move so that we could get him help. As I approached Mr. Toddhunter, the gun was lying next to his body, and I kicked it away. When I kicked the gun away, the back of the handle came off and I was able

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to see a CO₂ cannister on the back of the gun. It was only at that point that I began to think that the gun was not real. Once the gun was away from Mr. Toddhunter's body Sergeant Ron Nicol, from the Marysville Police Department, picked it up. Ms. Harding at some point yelled that it was a BB gun. She had to be dragged away from Mr. Toddhunter so that he could receive medical assistance.

After me, the first units to arrive on the scene were Marysville Police Department Officers, Curtis Wycoff and Derek Palumbo. Other Union County Sheriff's Office Officers had arrived on the scene as well.

I next remember Union County Sheriff's Office Sergeant Kent arriving and removing me from the scene and Deputy Rich Crabtree taking me back to the Sheriff's Office. I met with BCI SA Perry Roeser. Later another BCI agent took photos of me.

I used lethal force in this incident by discharging my firearm because I do not believe that there was any less lethal force that I could have used that would have been as effective in stopping the immediate threat which Mr. Toddhunter, by pointing his gun directly at me, posed to me. My action in firing my firearm, as described above, was consistent with my training and experience as a law enforcement officer.



I did not have any prior law enforcement contact with Mr. Toddhunter before this incident. I knew of him only through contact other Deputies had with him, but I did not recognize him by name when I first arrived at the scene. I also had no prior social contact with Mr. Toddhunter.

My statement is made from the best of my recollection as to the incident on May 30, 2022. On June 2, 2022, I viewed my body cam video as well as my cruiser video. My viewing of these videos has not changed my recollection of the events, as expressed in this statement.

I wish to cooperate with this investigation and am prepared to answer any questions which you might have.

Respectfully Submitted,


Deputy Jacob Matejko

6/7/2022
Date

Exhibit 3

Included as a separate file.