



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



2022-1480
Officer Involved Critical Incident – 5945 SR 48, Clearcreek
Township, OH (L)

Investigative Activity: Interview with Officer
Involves: Mark E. Evers (S)
Date of Activity: 07/25/2022
Activity Location: Clearcreek Twp. Police Department – Business – 7593 Bunnell Hill
Road, Springboro, OH 45066
Author: SA Steven Seitzman

Narrative:

On July 25, 2022, at 1145 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents Steven Seitzman (SA Seitzman) and Richard Ward (SA Ward) conducted an interview with Ohio State Highway Patrol Trooper Benjamin Kirby (Trooper Kirby) regarding his involvement in the Officer-Involved Critical Incident (OICI) that took place on July 12, 2022, in Clearcreek Township. Trooper Kirby was identified as a law enforcement officer who responded to the scene of the OICI to provide mutual aid. The interview took place at the Clearcreek Township Police Department. The interview was recorded on a handheld digital recording device.

The details below summarize the pertinent portions of the recorded interview and are not a verbatim account. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions. It is suggested that the full audio recording be reviewed to clarify the content of the interview.

Trooper Kirby advised BCI agents that he has been employed by the Ohio State Highway Patrol for approximately six years. He is assigned to the Warren County (Lebanon) Post. His duty hours are 1400-2200.

Regarding his involvement in the OICI, Trooper Kirby said the following:

Trooper Kirby was at the Ohio State Highway Patrol Lebanon Post and was scanning Warren County police radio traffic when he heard, "Shots fired, shots fired. Officer down." He learned the incident was on SR-48 in Warren County. He notified Ohio State Highway Patrol Sergeant Robert Burd (Sgt. Burd) of the situation. They both responded to the scene. He estimated that they arrived in approximately seven minutes. They arrived behind a Franklin Police Department cruiser.

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Trooper Kirby ran to the scene. He observed Warren County Sheriff's Office Deputies Becker and Deatherage tending to Clearcreek Township Police Officer Ney. He recalled that Ney had a lot of blood. He also observed that the left side of Officer Ney's face was very swollen. He saw the suspect, identified as Mark E. Evers, unresponsive on the ground.

Trooper Kirby went to talk to Clearcreek Police Sergeant Nicole Cordero. He asked what she needed, to which she replied, "I'm fine. I'm fine. I'm just worried about Eric [Officer Ney]. The guy pulled a gun." He offered to give her water to wash her hands, which had blood on them. She declined.

Trooper Kirby recalled seeing a male subject near the barns on the east side of the property. He said someone detained him, though he was uncertain who. He then assisted with securing the area with crime scene tape.

Trooper Kirby stated that another law enforcement officer requested he conduct a security sweep of the residence. Trooper Kirby forced entry into the residence through the rear door. He kicked the door several times and subsequently broke a glass pane. He entered the residence with Ohio State Highway Patrol Sgt. Burd and Trooper James Tarver. They did not locate anyone inside the residence. They locked three dogs in a mud room. After the residence was cleared, they exited. Trooper Kirby then observed Care Flight land and remove Officer Ney.

The interview was concluded at 1153 hours. The audio recording is attached below.

Attachments:

Attachment # 01: 2022-07-25 / Ohio State Highway Patrol Trooper Benjamin Kirby Interview

Exhibit 1

Included as a separate file.