



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



2023-2059

Officer Involved Critical Incident - 205 US 250, Polk, Ohio 44866

Investigative Activity: Prosecutor Summary
Involves: Deputy Johnie Wilcox (S), Deputy Jacob Hemenway (S),
Deputy Brittney Pennywitt (S), Larry Dunham (S)
Activity Date: November 27, 2023
Activity Location: BCI - Richfield
Authoring Agent: SA Nicholas Valente #139

Narrative:

Background:

On Saturday, August 5, 2023 at approximately 2112 hours, the Ohio Bureau of Criminal Investigation (BCI) was requested by the Ashland County Sheriff's Office (ACSO) to conduct an independent investigation into the facts and circumstances surrounding an officer-involved shooting which occurred at 205 US 250, Polk, Ohio 44866. The shooting incident occurred at approximately 1955 hours on August 5, 2023. The incident involved a subject, Larry Dunham (Dunham), and three deputies with the ACSO. The incident resulted in Dunham being shot and killed by ACSO deputies.

This report serves as a synopsis of the investigation into the shooting. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred during this incident. Every fact and detail are not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the fullest extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of deputies' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

Summary:

Interviews conducted with Dunham's neighbors and various relatives revealed the following: Dunham had suffered a brain injury in the months leading up to his death. Due to his injury Dunham was unable to work and receiving care and assistance from his wife with whom he had been separated for years prior to the injury. In the days leading up to this incident Dunham had reported failing a medical exam that would

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have cleared him to return to work. On the day of the shooting, Dunham walked to the home of his sister, Carol Hess (Hess). Hess lived two doors down from Dunham. Dunham was agitated, intoxicated, and possessed a pistol during the visit. During that second visit, Dunham expressed his frustration with a lack of money coming in, his inability to work, and medical problems. Eventually Dunham left Hess's property and returned home. Dunham then walked to the backyard of his next-door neighbor's house and loitered at their backyard firepit while they were not home. Upon the neighbor's return home, the male homeowner went to his backyard firepit to check on Dunham. The neighbor found Dunham highly intoxicated and fumbling around with multiple guns. The neighbor asked Dunham to return to his own home and yard. Dunham returned to his own property without incident. The neighbor told his wife about Dunham's condition and she called Hess to pass along their concerns for his wellbeing. Hess walked to Dunham's residence and found him sitting in a lawn chair in his backyard while still in possession of the guns and intoxicated. Hess found Dunham to be homicidal and suicidal during that meeting.

Hess walked back to her home and called 911 at approximately 1955 hours, reporting Dunham was suicidal, homicidal, and in possession of multiple guns. Specifically, Hess began the 911 call by telling the dispatcher Dunham "had a brain injury and he had a brain bleed." Hess told the dispatcher that Dunham was "sitting up at his house with two loaded guns in his lap." Hess explained to the dispatcher she received a call from Dunham's neighbor who told her Dunham had been sitting by their fire ring with two guns. Hess continued, "He (Dunham) has a suicide wish, so if you guys come in there with your blaze, with your lights and your noise he's gonna kill himself and his wife and try to take them too." Hess further told the dispatcher "And he wants you guys to come because he wants to die." The connection between Hess and the dispatcher was temporarily lost due to a poor connection. Once reconnected, Hess told the dispatcher "But he told me that if I send the cops there he's gonna go down with a blaze of glory."

Based on the 911 call, ACSO Deputies Hemenway, Wilcox, and Pennywitt all responded to Dunham's home to check his welfare. The dispatcher advised the deputies Dunham possessed two firearms and may attempt to commit suicide by cop. All three deputies arrived nearly simultaneously and approached the residence with their sirens turned off as requested by Hess. All three deputies walked from the front of the home, down the driveway, and into the backyard. As the deputies made their way down the driveway Deputies Wilcox and Hemenway unholstered their duty pistols and held them behind their thighs. As the deputies came into view of the backyard they observed Dunham sitting in a lawn chair facing away from his home.

The deputies slowly approached Dunham. Deputy Hemenway stated "Hello sir. Are you Larry?" Dunham responded "Yes I am." Deputy Hemenway then asked "What's going on

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today Larry?" Dunham tossed a phone he was holding to the ground. Deputy Hemenway, who observed a gun resting on Dunham's lap stated "Do you mind not touching that firearm?" Dunham ignored Deputy Hemenway's request. Dunham grabbed the pistol resting on his lap and appeared to chamber a cartridge into the cylinder of the pistol. Dunham set the pistol back down on his lap and grabbed a revolver from his waistband with his right-hand. With the revolver in his right-hand Dunham reached forward and picked up the phone he had just dropped on the ground. Dunham then set the phone down on his lap and placed the pistol back into his left-hand.

While witnessing the above actions, deputies began to give Dunham additional commands. Deputy Wilcox gave Dunham the order "Drop the firearm." Dunham ignored this order. Deputy Pennywitt then deployed her taser which did not hinder Dunham's continued handling of his guns. Deputy Wilcox gave the order "Drop it." Dunham again ignored this order. Deputy Wilcox deployed his taser which also did not stop Dunham. Deputy Pennywitt fired her taser a second time at Dunham which appeared to annoy him, but did not stop him from continued fumbling with the firearms in his hands.

Dunham then leaned forward and to his right to face Deputy Hemenway. Dunham possessed a revolver in his right hand and a semi-automatic pistol in his left hand at that moment. While leaning towards Deputy Hemenway, Dunham extended his left arm and hand out in the direction of Deputy Hemenway. Dunham pointed the pistol in his left hand at Deputy Hemenway. As Dunham began to point the pistol at Deputy Hemenway, Deputy Hemenway stated "Sir, do not point that. Sir, do not." Dunham and Deputy Hemenway then began to fire at each other almost simultaneously. Deputy Wilcox, who was now positioned behind Dunham began to fire his duty pistol a fraction of a second after Dunham and Deputy Hemenway began firing at each other.

The following screen clippings were taken from Deputy Hemenway and Deputy Wilcox's body-worn cameras during the exchange of gunfire.



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Screenshot taken from the 1:00 minute mark of Deputy Hemenway's body-worn camera recording.



Screenshot taken from the 0:58 second mark of Deputy Wilcox body-worn camera recording.

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The Ohio Organized Crime Investigations Commission created a video production that synchronized all three involved deputies' body-worn camera recordings. This production included the addition of audio wave bars and frame counters for each of the deputy's videos. Based on this production SA Valente determined the following timeline of activity:

Timestamp on OOCIC Synchronized Production:	Activity:
00:00:23:29	Dunham's leg/person first became visible (on Deputy Pennywitt's BWC)
00:00:28:00	Statement "Hello Sir" made by Deputy Hemenway upon approaching Dunham
00:00:39:00 Estimated	Deputy Wilcox stated "Do you mind not touching that firearm, sir?"
00:00:39:14	Dunham dropped the phone he was holding on the ground
00:0040:18	Dunham appeared to begin lifting a gun from his lap and chambering a cartridge.
00:00:41:00 Estimated	Deputy Wilcox stated "Drop it!"
00:00:43:24	Deputy Pennywitt fired her taser for the 1 st time
00:00:52:23 Estimated	Deputy Wilcox stated "Drop the firearm!"
00:00:54:00 Estimated	Deputy Wilcox stated "Drop it!"
00:00:56:02	Deputy Wilcox fired his taser
00:00:58:10	Deputy Pennywitt fired her taser the 2 nd time
00:00:58:20 Estimated	Deputy Wilcox stated "Sir, do not point that."
00:00:59:17	Dunham was in the process of raising a gun from his lap.
00:00:59:28	Dunham raised a second gun in his other hand
00:01:00:00 Estimated	Deputy Wilcox stated "Sir, do not" and the sound of gunfire commenced.
00:01:00:02	Dunham clearly pointed gun at Deputy Hemenway
00:01:00:06	Possible gun powder / smoke visible on Deputy Hemenway's BWC
00:01:00:21	Sparks visible coming from pistol Dunham was holding in his left hand and

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	pointing at Deputy Hemenway
00:01:01:00	Sparks visible coming from pistol in Dunham's left hand pointed at Deputy Hemenway for 2 nd time
00:01:03:00	Sound of gunfire and ceased
00:01:03:06	Deputy Pennywitt and Deputy Wilcox began calling for E.M.S.
00:01:23:27	Deputy Hemenway in process of removing 3 rd gun from Dunham's waistband
Note the timestamps in the left column follow the format hours:minutes:seconds:frame number	

BCI agents ultimately determined Dunham fired two projectiles at Deputy Hemenway. Deputy Hemenway fired eight projectiles at Dunham and Deputy Wilcox fired ten (10) projectiles at Dunham. Deputy Pennywitt fired her taser twice but did not fire her pistol. The entirety of all shots fired by all three men occurred in less than three seconds.

BCI Firearms Laboratory analysis conclusively linked 3 bullets recovered from Dunham's person to Deputy Hemenway's pistol. The BCI Firearms Laboratory analysis also conclusively linked two (2) bullets, one (1) bullet jacket, and two (2) bullet jacket fragments to Deputy Wilcox pistol. The remaining six (6) bullets and bullet fragments recovered from Dunham's person could not be specifically linked to either deputies pistols.

The Lucas County Coroner's Office completed an autopsy on Dunham's person on behalf of the Ashland County Coroner's Office. [REDACTED]

[REDACTED]

Immediately after firing their weapons the deputies advised their dispatcher of "shots fired." The deputies quickly approached Dunham, collected the pistol and revolver which Dunham had dropped beside him. The deputies also located and removed a second pistol (third gun) that was tucked into Dunham's waistband. After setting aside Dunham's three guns, the deputies immediately checked Dunham for signs of life. Deputy Wilcox and Deputy Hemenway placed Dunham on stable ground and began to secure the scene.

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All three deputies later participated in interviews with BCI agents. All three deputies reported they were not aware that Dunham had actually fired his pistol during the encounter until being told so after the event by a member of the ACSO.

When interviewed, Deputy Hemenway stated at the moment Dunham leaned forward and pointed the gun at him Deputy Hemenway "feared for my life and the lives of my fellow deputies. I engaged the male with my service weapon until I felt the male was no longer a threat to our lives." When asked what lead to his decision to fire at the specific moment he did so, Deputy Hemenway stated "him pointing the firearm at me." When asked if he felt there were any other options available to him at that moment other than the use of deadly force, Deputy Hemenway said "no."

Deputy Wilcox also shared his recollection of events during an interview with BCI agents. Deputy Wilcox did report hearing what he believed was the sound of three separate guns being fired during the incident but did not visually notice Dunham actually fire his weapon at the time he did so. While describing the moment leading up to the shooting and the shooting itself, Deputy Wilcox stated "I then tossed my taser to the ground as I watched Larry grab the pistol off of his left leg with his right hand. We repeatedly asked him to not pick up the gun and told him to drop the gun. Larry turned to his right with the pistol in his right hand turning towards us. I was in fear for my life and the other deputies' lives. At this point I had my service weapon pointed at Larry and fired it multiple times striking him which ultimately lead to him dropping the gun. I radioed to dispatch advising them of 'shots fired' and we immediately approached him to check for a pulse and render aid."

When asked what lead to his decision to fire at the moment he did so, Deputy Wilcox stated "cause' everything else wasn't working. I mean the taser, obviously, didn't make a good connection. I mean those three. We fired, you know, a total of three times with the taser, so I mean, um and him turning and pointing a gun at us was obviously you know the end determination. I was in fear for my life and the other deputies there."

When asked if he perceived any other options available to him at the moment he fired his pistol, Deputy Wilcox stated "No."

When BCI agents interviewed Deputy Pennywitt she too stated she feared for her safety and that of the other deputies in this incident. BCI agents asked Deputy Pennywitt to describe what lead her to fear for her safety and that of the other deputies. Deputy Pennywitt stated "He fired his weapon. Well, he raised the weapon, which first of all was the first initial fear and then when he fired it, it's obviously not." When asked what could have potentially happened when Dunham pointed his gun towards the deputies, Deputy Pennywitt stated "he could kill all three of us." When asked what she thought

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was going to happen when the subject raised his weapon, Deputy Pennywitt stated "that he was going to fire."

None of the involved deputies have been disciplined for prior use of force. None of the involved deputies have previously been involved in an officer-involved shooting. None of the involved deputies felt their actions or that of the other deputies was inappropriate or inconsistent with their training. All three deputies consented to BCI agents reviewing the results of department ordered drug and alcohol screenings they participated in after the shooting. None of the deputies were found to have any controlled substances or alcohol in their bodies at the time of the shooting.

Conclusion:

Based upon the physical evidence, video and audio recordings, statements made by neighbors and relatives of Dunham, and the involved deputies it is concluded ACSO Deputies Wilcox, Hemenway, and Pennywitt responded to Dunham's home after receiving information Dunham was suicidal, actively possessed multiple firearms, and may attempt to commit suicide by cop.

The deputies located Dunham sitting in a lawn chair in his backyard with a gun on his lap and two others tucked into his waistband. Dunham ignored multiple orders by the deputies to not handle the firearms. Dunham instead chambered a round into one of the pistols he was holding. Dunham continued to handle the firearms as the deputies collectively fired tasers at him three times. None of the taser deployments had the desired effect of stopping Dunham's continued handling and manipulation of the weapons. Dunham then turned his body toward Deputy Hemenway, extended his left arm out and pointed a loaded gun at Deputy Hemenway. Dunham and Deputy Hemenway then fired their pistols at each other, firing at nearly the same time. At nearly this exact same moment Deputy Wilcox also began to fire at Dunham. Deputy Hemenway was not struck by a projectile during the exchange of gunfire. Dunham was struck multiple times and died as a result of his injuries. Projectiles removed from Dunham's person were scientifically matched to both Deputy Hemenway and Deputy Wilcox's duty pistols.

This conclusion was based on the totality of the investigation. Throughout the investigative process, investigators continually evaluated the physical evidence, in conjunction with audio and video recordings, forensic findings, witness statements, involved deputies' statements and other information to ensure all relevant facts and circumstances surrounding this incident were obtained.



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This investigation was focused on the actual shooting of Dunham and the use of force related thereto. Evidence related to other potential crimes and the investigation of those crimes was not handled by BCI.