



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



Officer-Involved Critical Incident – 28 N. Pain St, Chillicothe

To: Jeffrey Marks, Ross County Prosecutor
From: Matt Collins, Senior Special Agent, Ohio BCI
Date: March 6, 2023
Involves: RCSO; Sgt. Eric Kocheran
BCI Case Numbers: 2022-2608
BCI Laboratory: 110945

Investigative Request

On Thursday, November 17, 2022, Sheriff George Lavender of the Ross County Sheriff's Office requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer-involved shooting incident. The incident reportedly occurred on November 17, 2022, in the area of 28 N. Paint St, Chillicothe, OH, and resulted in the death of Nicholas Mitchell.

Preface:

This report serves as a synopsis of the investigation into the November 17, 2022, officer-involved shooting in Ross County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is 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 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 officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.



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Investigative Team

Lead BCI Special Agent:

- SA Matt Collins

Assisting Investigative BCI Special Agents:

- SA Shane Hanshaw
- SA Andrew Russell
- SA Kyle Douglass
- SA James Mulford
- SA Todd Fortner
- SA James Gore
- SA James Poole

BCI Crime Scene Special Agents:

- SA Aja Chung
- SA Chad Holcomb
- CST Amy Gill

BCI Criminal Intelligence Unit Personnel:

- Analyst Jennifer Lester

BCI Investigative Supervisor:

- Special Agent Supervisor Kevin Barbeau

Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation, by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Recorded interview with Sgt. Eric Kocheran who discharged his weapon
- Recorded interviews of twelve (12) officers who were involved in the incident, at the scene, or otherwise deemed to potentially have relevant information
- Neighborhood canvass of the area surrounding the scene
- Interviews of four civilian witnesses to the incident
- Interviews of family members or associates of the decedent



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- Special agent attendance to post mortem examination (autopsy) of the deceased
- Obtained and reviewed post mortem examination (autopsy) and toxicology reports
- Obtained and reviewed police reports of prior law enforcement contacts with the subject
- Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving records, etc.
- FBI National Crime Information Center (NCIC) checks on any non-law enforcement weapons involved in the incident (to determine if reported stolen)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace on any non-law enforcement weapons involved in the incident (to determine ownership history)
- Review of all available body cameras involved in the incident
- Review of all available surveillance video which captured any portion of the incident
- Processing of the scene for potential evidence (photographing, searching, measuring, documenting, and collecting)
- Reviewed audio communications on the radio frequencies utilized during the incident
- Review of 911/phone communications related to the incident
- Review of dispatch/CAD records pertaining to the incident
- Review of the department's reports, photographs, and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement
- Conducted forensic laboratory examinations to include:
 1. Firearm identification testing of involved firearms, casings, and bullets
 2. Firearm operability testing
- Collected and reviewed the departmental personnel files of the officers involved in the shooting, to include training and disciplinary records (if any)
- Reviewed firearm qualification and training records for involved officers
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officer(s) who discharged their weapons
- Obtained the department's policies and procedures regarding use of force for prosecutorial review
- Reviewed medical records of those injured, obtained through Coroner's Office
 1. Medical records of Sgt. Kocheran have not yet been obtained from Grant
- Reviewed EMS records pertaining to their response and the treatment administered
- Performed records checks, including LEADS and NCIC off-line search, for the vehicle(s) involved in the incident

Incident Summary/Overview

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On November 17, 2022, at approximately 1700 hours, Ross County Sheriff's Deputy, Sgt. Eric Kocheran (Sgt. Kocheran) was near the end of his shift. Sgt. Kocheran was at 28 N. Paint St., Chillicothe, the "Law Enforcement Complex" where he was typing reports.

An unidentified male, later identified as Nicholas Mitchell (Mitchell), approached the rear door of 28 N. Paint St. and knocked on the door. Sgt. Kocheran went to the said door, opened it, and asked what Mitchell needed. Mitchell first told Sgt. Kocheran, he needed to get "more officers" there. Sgt. Kocheran again asked, what was going on. Mitchell stated, "Um, somebody said they were gonna hurt my family. They wanted me to hurt kids and I can't do it." Dep. Kocheran said, "okay." Mitchell stated, "So, I gotta do this." Mitchell said that just as he pulled a firearm a firearm from his pocket.

Mitchell manipulated the slide action of the weapon and fired a shot. Sgt. Kocheran had drawn his weapon and he too fired a shot. Both individuals fired multiple rounds. Both individuals were struck by projectiles/bullets and went to the ground.

EMS was summoned and transported both individuals by squad to area hospitals. Ultimately Mitchell, after receiving medical care, had succumbed to his injuries and was pronounced deceased at Adena Hospital. Sgt. Kocheran, after several surgeries and an extensive hospital stay, was able to recover from his injuries.



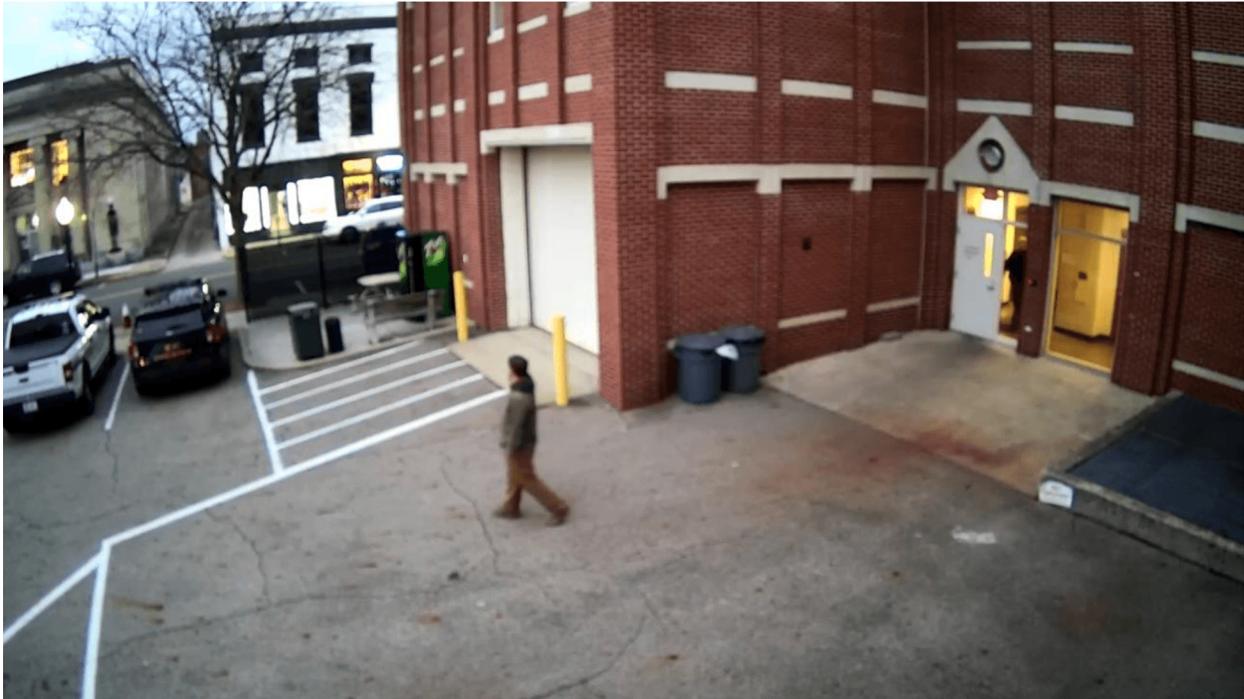
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Subsequent Investigation

Physical Evidence and Laboratory Reports



Still image from the Law Enforcement Complex surveillance video; just before shooting incident.

When BCI CSU, SA Holcomb arrived, he noted there as a large area taped off with crime scene tape in the area of the rear service entrance. He further described the area to be located on the northwest side of the Law Enforcement Complex building. SA Holcomb noted there was a Chillicothe Police Department vehicle #14 in that area too.

SA Holcomb stated he was directed to a “gun locker” where Sgt. Kocheran’s firearm had been secured. The firearm was more specifically described as “a Sig Sauer, P320, 9mm semi-automatic handgun with serial number [REDACTED].”

SA Holcomb located another firearm on the ground near a large grate and a “pool of blood.” The firearm was more specifically described as “a Ruger, LCP II, .380 semi-automatic handgun with serial number **380196961**.” The firearm had one cartridge in the chamber and one cartridge in the magazine.



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BCI CSU photo CAH_0592; Item #9, weapon possessed by Mitchell.

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

The BCI Firearms Section performed an analysis of Sgt. Kocheran's and Mitchell's firearm, as well as the firearm-related evidence collected from the scene and vehicles (casings and bullets). By comparing evidentiary cartridge casings/projectiles to known standards from each weapon, identifications were able to be made as to which casings/projectiles were fired from each firearm. Of the casings/projectiles recovered, the following identifications were made:

Each of the submitted firearms were found to be "Operable." The six (6) 9mm cartridge cases from BCI Scene #1 (**Item #s 2-7**) were fired from the Sig Sauer (Sgt. Kocheran). The report indicated the Sig Sauer could not be excluded as the source of the four (4) fired bullet jacket fragments recovered from Mitchell's body, as results were inconclusive (similar class characteristics but insufficient corresponding individual characteristics to identify or exclude).

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Based on the Lab Report, SA Collins also found where the three (3) .380 auto cartridge cases from **BCI Scene #1 (Item #s 8, 12, 13)** were fired from the Ruger 9mm (Mitchell). The report indicated **BCI Scene #1; Item #14** (bullet fragment) the Ruger could not be excluded as a source as the results were inconclusive (similar class characteristics but insufficient corresponding individual characteristics to identify or exclude). However, the bullet jacket fragments from the projectiles recovered from the body of Mitchell, indicted the Ruger was in fact excluded as the source.

Post-Mortem Examination / Autopsy Report

The autopsy report for the decedent (Nicholas Mitchell) was obtained from the Ross County Coroner's Office. A review of those documents revealed the following information:



Investigative Interview

The following information comprises an extremely abbreviated version of the statement made by Sgt. Kocheran regarding this incident, deemed by the author to be of most relevance to the overall understanding of the incident. More detailed accounts can be found by reading the reports written by the interviewers and by reviewing the recording of the interview.

Deputy Eric Kocheran-

Sgt. Kocheran, referring to November 17, 2023, stated he was on duty and had just returned to station, near the end of his shift. Kocheran stated he was on station writing reports. Kocheran described "sitting in the back in the squad room, near the back door." Kocheran said it is very common for the public to come to the back door and inquire about various things. Again, Kocheran commented how it was not typically unusual, however, on the night of the incident, he heard a very loud knock on the back door. Kocheran noted it sounded urgent, so he went to the back door.

Kocheran said when he first opened the door, he did not see anyone. When he opened the door up all the way, he noticed a male subject standing there about twenty (20) feet away. He said the male (later identified in BCI's investigation as Nicholas Mitchell) had his hands inside his pockets. When Kocheran asked him what he could do for him, Mitchell said he "needed to get more cops out here." Kocheran said he asked, "what's going on?" Kocheran said Mitchell responded with something to the effect of "someone was threatening his family. They were going to hurt his



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family if he didn't kill kids and he couldn't do that." Kocheran stated that statement began to alarm him because it was not a normal statement someone would make. Kocheran said Mitchell, who was now about ten (10) feet away now, produced a gun and he did not know where it came from. Kocheran suspects Mitchell had it in his pocket because that was where Mitchell's hands were. Kocheran described Mitchell producing the gun so fast, and said something to the effect of, "well we're just going to have to do this." Kocheran said Mitchell raised the gun up (demonstrating above his head) manipulated the slide action and chambered a round. Looking back on the situation in hind-sight, Kocheran believed Mitchell had done so, in a manner to make sure Kocheran saw he had a gun and wanted Kocheran to see him using it. Kocheran said he let the door close slightly and Mitchell moved towards the building, or closer to Kocheran. Kocheran said he drew his weapon and issued commands to Mitchell. Kocheran said he told Mitchell to put the gun down at least once, maybe twice. Kocheran said he knew Mitchell had a gun "with 200% certainty," based on, he saw a gun and the way Mitchell was holding and manipulating it.

Kocheran said he recalled hearing Mitchell fire one round, but he didn't see the muzzle flash. Kocheran said he recalled pulling the trigger on his weapon and believed he fired four to five (4-5) rounds. Kocheran said he does not recall seeing Mitchell go to the ground. However, Kocheran recalled when he, himself, "got knocked down, it felt like somebody just took a poker and shoved it right through me all the way down here."



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Summary

All persons known to have relevant information regarding this investigation have been interviewed (or attempted), and all known pertinent records and evidence have been obtained and reviewed. BCI will continue to offer investigative assistance into any newly identified witnesses or information relative to this criminal investigation. BCI's investigation into this officer-involved critical incident is concluded unless such new information/witnesses is/are identified through grand jury or other means.

Agents remain available for consultation and/or to perform any additional investigation, analysis, processing and/or other assistance/involvement you might deem to be necessary.

Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Senior Special Agent Matt Collins. SA Collins can be reached via email at Matthew.Collins@OhioAGO.gov or by telephone, at (216) 218-2380.