



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: Interview of Involved Deputy
Involves: Deputy Brittney Pennywitt (S)
Activity Date: August 14, 2023
Activity Location: Ashland County Sheriff's Office, 1205 East Main Street, Ashland, Ohio
Authoring Agent: Special Agent Nick Valente #139

Narrative:

On August 14, 2023, at approximately 1132 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente (Valente) and SA John Tingley (Tingley) conducted an interview with Ashland County Deputy Sheriff Brittney Pennywitt (Deputy Pennywitt). Deputy Pennywitt was a witness to the shooting of Larry Dunham (Dunham) by fellow Ashland County Sheriff's deputies. The interview took place at the Ashland County Sheriff's Office, 1205 East Main Street, Ashland, Ohio. Deputy Pennywitt was accompanied by Ohio Patrolman's Benevolent Association attorney Joseph Hegedus. The interview was audio and video recorded. The audio recording was attached to this report and the video recording was saved as Reference Item B.

Prior to beginning the interview, Deputy Pennywitt read, indicated she understood, and signed the BCI Criminal Investigation Notification Form. That form has been attached to this report.

Deputy Pennywitt described to agents that she responded to the scene in a marked patrol vehicle wearing a standard Ashland County Sheriff's Deputy uniform that represented herself well as a deputy. Deputy Pennywitt arrived at the subject's residence at the same time as Deputy Hemenway and Deputy Wilcox. Deputy Pennywitt walked around the side of the subject's residence with the other two deputies. Deputy Wilcox and Deputy Hemenway had their guns drawn and concealed behind their legs as they approached the subject. Deputy Pennywitt noticed the subject sitting behind the residence in a chair as she walked around to the back of the house. Deputy Wilcox was on her left side and Deputy Hemenway was on her right side as the three deputies approached the subject. While approaching the subject, Deputy Hemenway asked the subject if he was Larry and what was going on today.

Deputy Pennywitt noted the subject had a cell phone in his hand as they approached and Deputy Hemenway began asking him questions. The subject dropped the phone he was holding. The subject then reached for a firearm Deputy Pennywitt observed sitting on the subject's lap. When the subject reached for the firearm Deputy Pennywitt deployed her taser. Deputy Pennywitt described the use of her taser as "ineffective." Deputy Pennywitt removed the cartridge from her taser and reloaded a new cartridge. Deputy Pennywitt repositioned herself to the right of where

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she was just standing in an attempt to get a better angle to redeploy her taser on the subject. Deputy Pennywitt again fired her taser at the subject which again was ineffective. After firing her taser a second time the subject "raised his firearm and they (Deputy Hemenway and Deputy Wilcox) returned fire."

When asked, Deputy Pennywitt stated she feared for her safety and that of the other deputies during the incident.

When asked to describe what lead to her fear, 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 he pointed the weapon, Deputy Pennywitt stated "he could kill all three of us."

When asked what she thought was going to happen when the subject raised his weapon, Deputy Pennywitt stated "that he was going to fire."

When asked, Deputy Pennywitt stated she had watched her body-worn camera recording of the incident prior to the interview one time.

When asked if she recalled anything from memory that she did not see on her body-worn camera recording she felt agents should know about, Deputy Pennywitt said no.

When asked, Deputy Pennywitt stated that someone with the sheriff's office did share with her that the subject did fire his weapon during the incident. Deputy Pennywitt reported she first learned of this from someone within her agency rather than at the time of the incident.

When asked, Deputy Pennywitt stated she felt "100 percent" that the actions of the involved deputies were appropriate and correct for the situation.

Deputy Pennywitt reported she had no prior interactions with the subject preceding this event.

Reference Item:

1. B -Video Recorded Interview of Deputy Pennywitt

Attachments:

1. 2023-08-14: Audio - Interview of Deputy Brittney Pennywitt
2. 2023-08-14: Criminal Investigation Notification - Deputy Brittney Pennywitt

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DAVE YOST

OHIO ATTORNEY GENERAL



Bureau of Criminal Investigation
Office (330) 659-4600
Fax (330) 659-0681

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).

Brittney Pennywitt
Printed Name of Interviewee

8-14-23 1130Am
Date / Time

[Signature]
Signature of Interviewee

S/A Nick Valente
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)