



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



2022-2608

Officer-Involved Critical Incident- 28 N. Paint St, Chillicothe

Investigative Activity: Video Review

Activity Date: 1/20/2023

Activity Location: BCI

Authoring Agent: SA Matt Collins, #151

Narrative:

On Tuesday, November 22, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Collins (SA Collins) received video footage from Sgt. Jason Gannon. SA Collins was informed that the videos contained footage from the surveillance and body worn cameras (BWC) recorded by the Ross County Sheriff's Office.

SA Collins documented the portions of the audio/video he believed to be the most relevant in obtaining facts necessary to provide an understanding of the events that took place during the incident. SA Collins documented what he believed each subject was saying. For both these reasons mentioned, the reader is encouraged to review the video in its entirety.

During the course of the investigation the names of individuals involved were identified. While they may not be identified solely in the video, SA Collins utilized their respective names for clarity purposes.

SA Collins utilized Axon Investigate (AI) to evaluate and work with the video files to aid in the review. SA Collins brought the following files into AI;

"Axon_Body_3_Video_2022-11-17_1717_X60A7471X";

"1-C60 MAINTENANCE BAY_1_20221117T213818.000Z_0";

"1-C61 Parking Lot_1_20221117T214235.000Z_0";

"1-C67 Lobby Entrance_1_20221117T214449.000Z_0";

"1-C70 2nd Street_1_20221117T214800.000Z_0";

By doing so, the program identifies the metadata included within the video. See *Figure 1* for the respective videos being referenced. "*Figure*" numbers will be respective to each camera. All times are reflective of the times within the video clips and not the time of day.

SA Collins created sub-clips and marked images during the review. SA Collins marked a total of eighteen (18) frames/images from the video clips. The images were named by the frame



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number identified by iA (F=Frame, F#####). SA Collins reviewed the videos and noted the following:

Axon_Body_3_Video_2022-11-17_1717_X60A7471X-

The Axon BWC is that of RSCO Deputy Eric Kocheran. The video began with Dep Kocheran opening the rear door, from the inside. The video is 20:28.88 long and played at approximately thirty frames per second (30fps). See *Figure 1*.

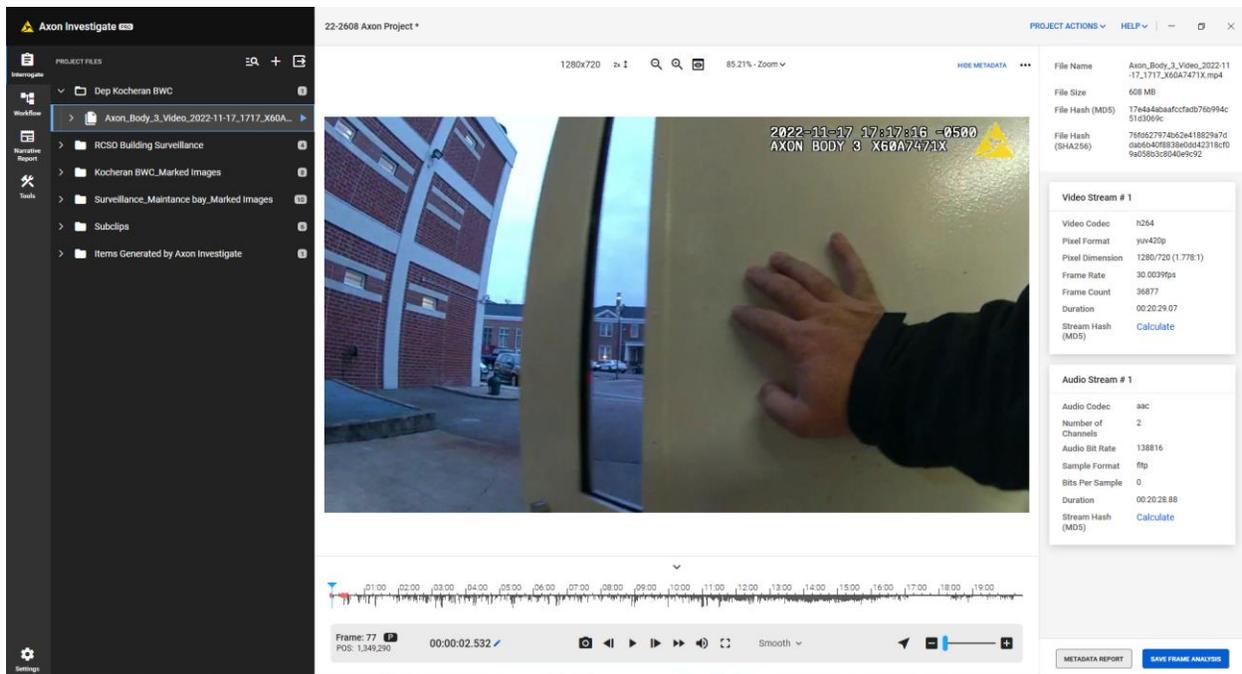


Figure 1: Screenshot of Axon Investigate playing Dep Kocheran's BWC, with Metadata included



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At 00:02.599 into the video, Nicholas Mitchell (Mitchell) first comes into view. He is standing near the parking lot with his hands in his pockets. He immediately began walking toward Dep. Kocheran and the back door, engaging in a conversation. See *Figure 2*.



Figure 2: F79_Mitchell first in view

Dep Kocheran stated, “Hi” and Mitchell responded, something to the effect of, “Hey buddy. Can you help me out with somethin’ real quick? Can you get a couple more officers?” Dep Kocheran asked what was going on and Mitchell replied, “Um, somebody said they were gonna hurt my family. They wanted me to hurt kids and I can’t do it.” Dep. Kocher said, “okay.” Mitchell stated, “So, I gotta do this.” Mitchell said that just as he pulled a black object from his right front pants pocket (later found to be a firearm). See *Figure 3*.

Mitchell also manipulated the slide-action of the weapon. As Dep Kocheran began repeating, “whoa, whoa, whoa, ho, ho, put it down.” See *Figure 4*.



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Figure 3: F657_Mitchell first produces a black object from his pants pocket. Yellow arrow added by SA Collins



Figure 4: F677_Mitchell manipulates slide action. Yellow arrow added by SA Collins



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As the incident continued, Dep Kocheran continued to issue commands for Mitchell to put down the gun and drew his firearm (see *Figure 5*). At 0:25.261 into the recording, Mitchell was seen raising the firearm, and leveling it into the direction of Dep Kocheran. See *Figure 6*.



Figure 5: F738_Dep Kocheran draws his firearm



Figure 6: F759_Mitchell raises his weapon into the direction of Dep Kocheran



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At 0:28.526 into the recording, Mitchell and Dep Kocheran began exchanging gunfire. From the angle of the BWC is was difficult to discern which shots were Dep Kocheran's (visually). However, the audio picked up distinguishably different gunshots. Figures 7, 8, and 9 depict the still images which captured Mitchell's shots (visibly).



Figure 7: F857_Mitchell fires 1st shot. Muzzle flash



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Figure 8: F891_Mitchell fires 2nd shot. Muzzle flash



Figure 9: F902_Mitchell fired 3rd shot. Muzzle flash

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At 0:30.426 into the recording, Mitchell began to go to the ground. From the moment Dep Kocheran opened the door, at approximately 0:2.599 seconds to when Mitchell pulled the firearm from his right front pocket at 0:21.861, was determined to be approximately 0:19.262.

1-C60 MAINTENANCE BAY_1_20221117T213818.000Z_0-

The Maintenance Bay surveillance video is captured from a fixed camera located on the west side of the building and faces in a north/northeastern direction, capturing a rear door utilized by building personnel. There was no audio related to the video. The video is 32:22.730 long and played at approximately fifteen frames per second (15fps). See *Figure 1*

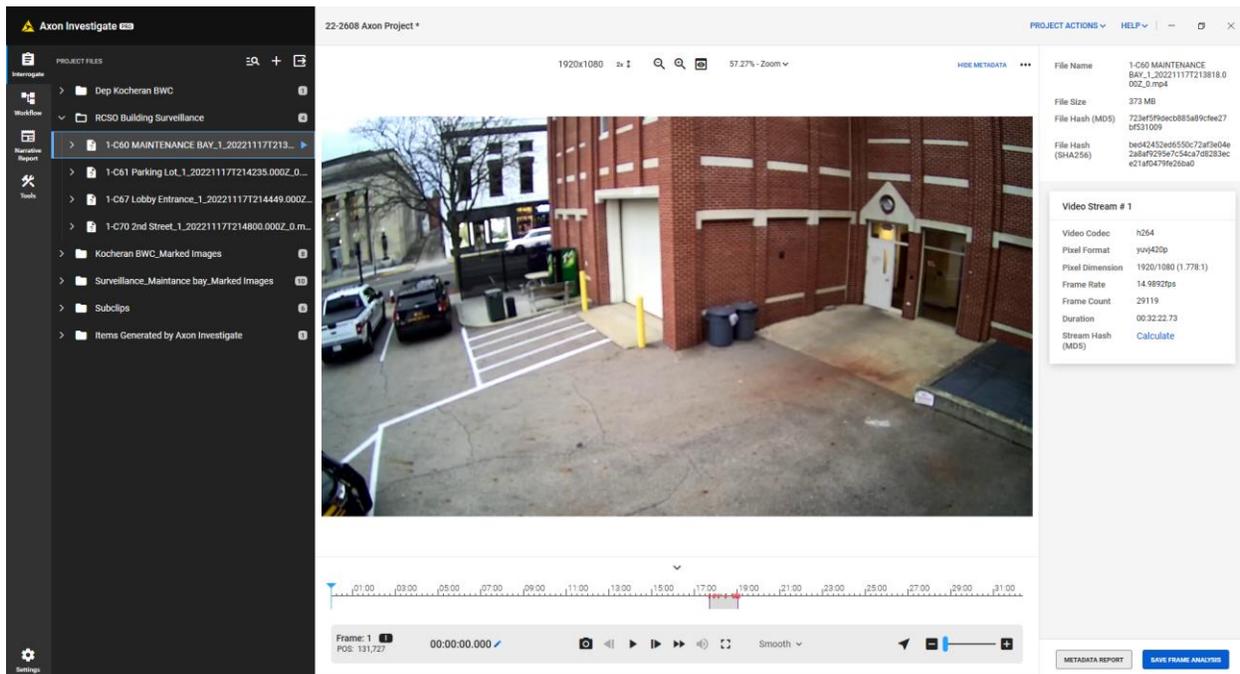


Figure 1: Screenshot of Axon Investigate playing the Maintenance Bay surveillance video, with Metadata included

Mitchell was viewed on the surveillance camera several minutes before the shooting incident. Mitchell was first viewed on the Maintenance Bay surveillance video at approximately 09:44 into the recording. He was not seen again until approximately 11:18 into the recording. Then he was seen again at approximately 17:44 into the recording, which led up to the shooting incident. At 17:44 into the recording, Mitchell was viewed walking on the sidewalk in the top of the view. He was walking from east to west and then south, between two cars. Mitchell approached the back door and knocked on the large glass window at approximately 18:10.446 into the recording (see *Figure 2*).

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Figure 2: F16342_Mitchell knocks on glass at the back door. Yellow arrow added by SA Collins

At approximately 18:30.532 into the recording, Dep Kocheran appeared at the back door (see Figure 3).

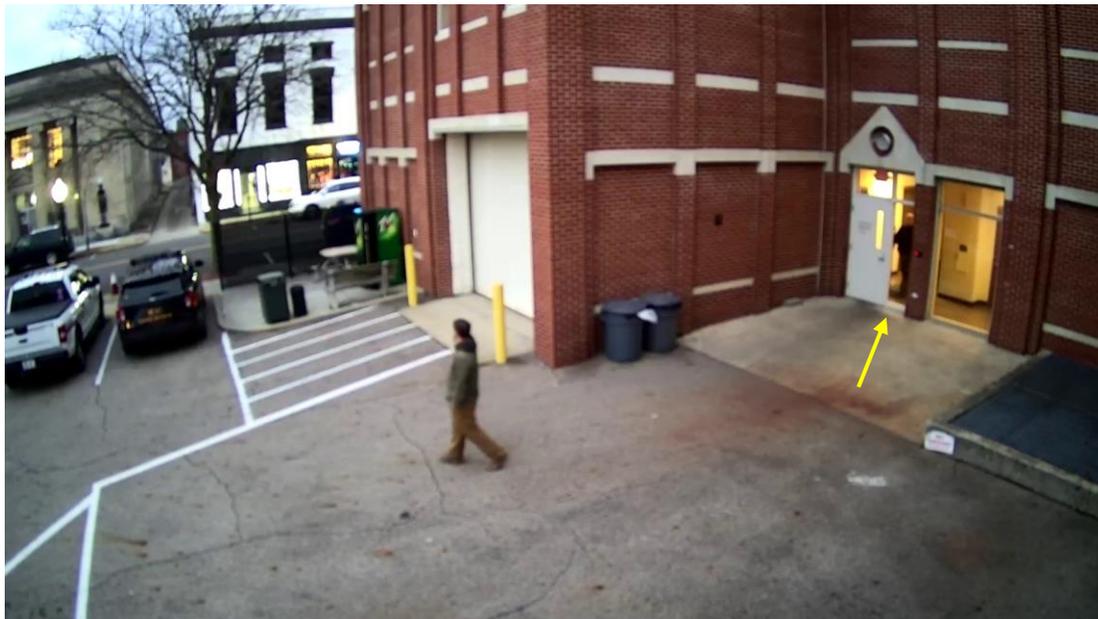


Figure 3: F16643_Kocheran appeared at back door. Yellow arrow added by SA Collins



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The following still photographs depict the incident at a different angle from that of Dep. Kocheran (see Figures 4-9).

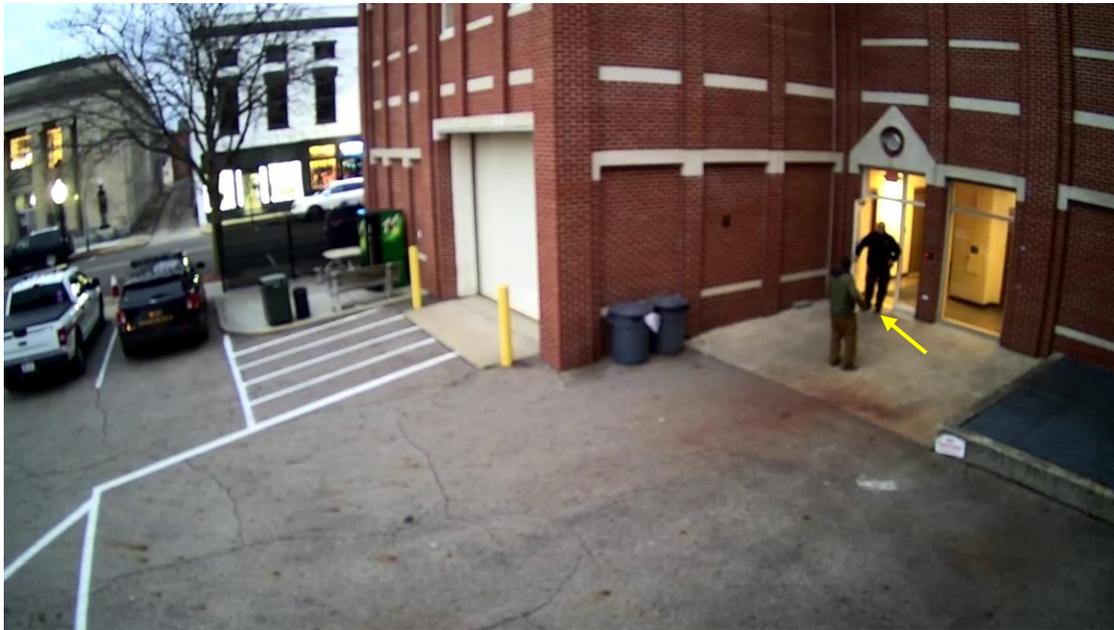


Figure 4: F16979_Mitchell pulls right arm up from waist. Yellow arrow added by SA Collins



Figure 5: F17091_Dep Kocheran fired shot; smoke from muzzle. Cropped and resized. Markings by SA Collins

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Figure 6: F17096_Dep Kocheran fired shot

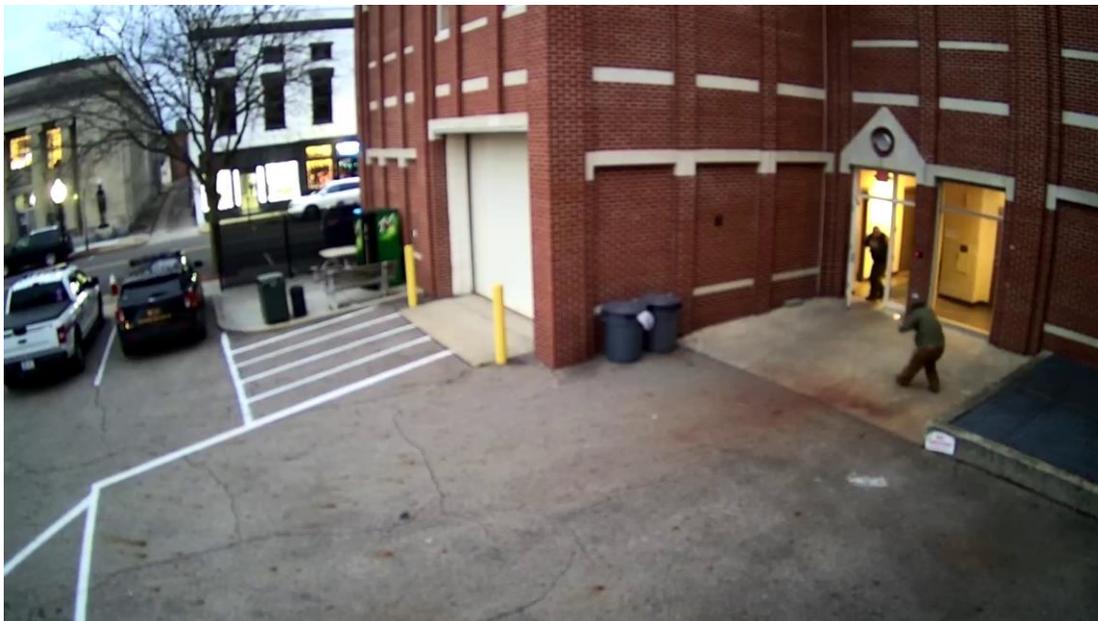


Figure 7: F17103_Mitchell's last shot fired



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Figure 8: F17114_Mitchell goes to the ground

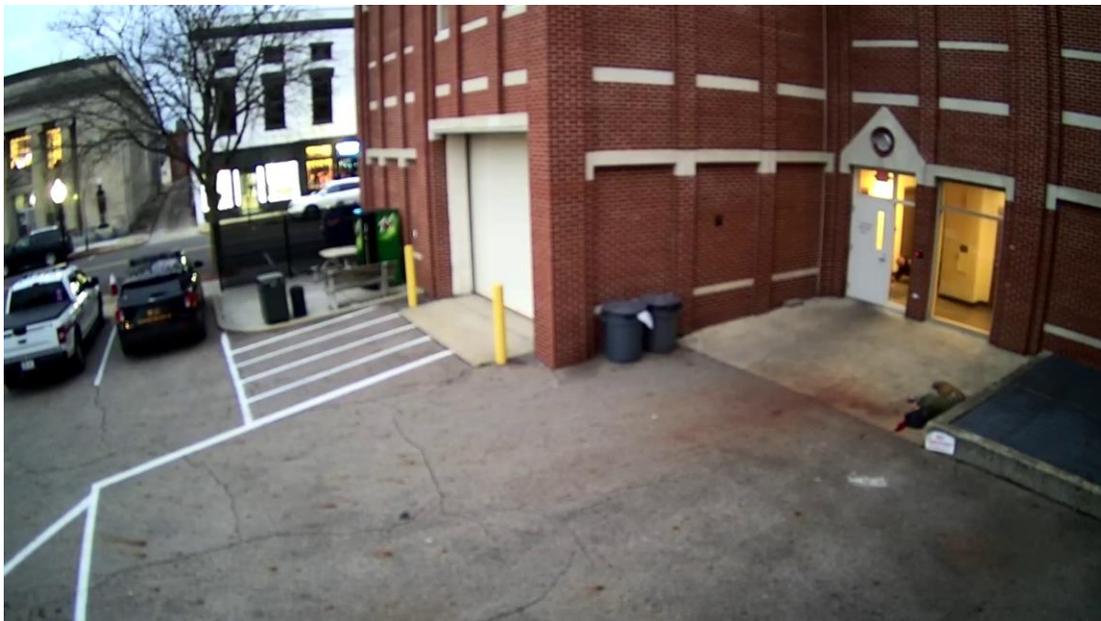


Figure 9: F17219_Dep Kocheran goes to the ground

SA Collins conducted reviews of the additional videos named above. Those videos do not capture the shooting incident but only the movements or actions of Mitchell prior to the

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shooting incident. It should be noted, the video does not capture ALL of Mitchell's movements, as there are either not overlapping of video coverage or missing video (specifically the 2nd St video footage does not capture Mitchell's activities just before he is seen on the Maintenance Bay video for the third time). SA Collins "stitched" together the videos which did capture Mitchell in view. Those videos were sequenced from Mitchell's first appearance all the way up to the shooting incident. Again, specifically the instances where Mitchell was in fact viewed in a video. SA Collins stitched those views together, allowing the viewer to see only the video which had Mitchell in view. In reference to the stitched together video created by SA Collins, the reader/viewer is cautioned; the video does not have a time-stamp and therefore the timing of the video not dependable.



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ADDITIONAL FACTORS FOR EVALUATING THE VIDEO RECORDINGS

There are numerous other factors that need to be considered when reviewing and evaluating the videos and audio recordings of this incident. Those factors are:

A. Video recording devices record within the video and sound capabilities available, and they record objectively. Video recordings lack the history, perspective, and interest of the people involved. The positions, angles, obstacles, lighting, and distance from the incident are also factors that need serious consideration.

B. Video recording devices also record more information about a particular scene or incident than the person(s) involved in the incident can process during the critical incident. Video recording devices rarely record an event from the same perspective of any one particular party. It captures the action but not the perception, decision making, focus, or intent of the parties involved. Video recordings can often miss tactile cues or other actions of a subject.

C. The speed of the incident is remarkable. The speed and complexity of rapidly evolving situation(s) that occur during use of force encounters are difficult concepts to comprehend by only watching the video.

The DVD containing the video footage was submitted to the physical BCI case file as item #2 for reference only.