



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



2024-2738

Officer Involved Critical Incident - 345 Lincoln Ave.,
Lancaster, OH 43130 (L)

Investigative Activity: Dash Camera Review - Lithopolis Police Department
Involves: LPD Chief Wesley Barton, LPD Officer Kurtis Schmidt
Activity Date: 09/07/2024
Activity Location: 720 W. Waterloo St., Canal Winchester, OH
Authoring Agent: SA Aja Chung, #86

Narrative:

On Thursday, October 31, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Aja Chung (SA Chung) received video footage from Detective Jason Meadows from the Fairfield County Sheriff's Office (FCSO). SA Chung was informed that the videos contained footage from the dash camera recorded by Lithopolis Police Department (LPD) Chief Wesley Barton (Chief Barton) and LPD Officer Kurtis Schmidt (Ofc. Schmidt). LPD Chief Barton and LPD Ofc. Schmidt were identified as two officers that had some form of involvement during the incident.

Chad Evangelista was arrested by Fairfield County Sheriff's Office for disorderly conduct and obstructing official business on September 7, 2024. The following videos were either captured before, during, or after the incident.

SA Chung reviewed the video recordings and noted the following:

"Axon_Fleet_3_Front_Camera_Video_2024-09-07_1606.mp4."

- The video was 20:38 minutes long. The LPD cruiser arrived at the scene after Evangelista was detained. The footage did not provide any further information regarding the use of force that was applied.

"Axon_Fleet_3_Front_Camera_Video_2024-09-07_1603.mp4"

- The video is 25:03 minutes long and began with the LPD cruiser parked.
- The emergency lights and siren were activated, and radio traffic is heard with a unit saying, "Gender and Waterloo".
- At the 6:16 minute mark, the LPD cruiser arrived at the scene and parked behind a Franklin County Sheriff's cruiser with its emergency lights activated and both rear doors open.

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- LPD Chief Barton came into the camera view as he walked to the rear driver's side door of the Franklin County cruiser.
- LPD Ofc. Schmidt was observed exiting his cruiser and positioned himself at the rear passenger door of the Franklin County cruiser.
- At the 6:56 minute mark, Chief Barton and a deputy (identified by a Sheriff's Office patch on his uniform shirt), were observed pulling a male subject from the rear driver's side door of the Franklin County cruiser.
- The White male subject was observed to have short brown hair, wearing a black t-shirt with his hands behind his back.

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(1-Barton dash screenshot)

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- At the 7:03 minute mark, the male subject could be seen pushing his body into Chief Barton and the sheriff's deputy.
- Chief Barton and the deputy were observed pushing the subject back towards the cruiser and the male subject eventually got in.
- Radio traffic was heard, "501, he's detained." Chief Barton was simultaneously observed talking into his radio located on his left shoulder.
- At the 17:32 minute mark, the Franklin County cruiser and the Fairfield County cruiser pull forward and park next to each other.
- A White male subject was seen exiting the rear driver's side of the Franklin County cruiser on the right and placed in the Fairfield County cruiser.
- For the next five minutes, the only thing observed were other police officers talking in the roadway and eventually walking to their cruisers.
- At the 24:02 minute mark, radio traffic was heard that '████ (inaudible) transporting Evangelista for DOC for resisting. I'll be enroute to Lincoln and to (inaudible)." "If you could advise the jail he was (inaudible)."
- The footage ends with the LPD officer moving his cruiser from the roadway and eventually clearing the scene.

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 the officer. It captures the action but not the perception, decision making, focus, or intent of the officer. Video recordings often miss tactile cues or other actions of a subject.

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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 video footage was saved in the folder “2024-2738-Fairfield SO-OICI” within the OICI_Video_Electronic Data folder located in the BCI Shared F Drive.

References:

B – LPD BWC and Dash-Cam

Attachments:

1 – Barton dash screenshot

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