



**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: Body-Worn Camera Review

Involves: Lithopolis Police Chief Wesley Barton and Lithopolis Ofc. Kurtis Schmidt

Activity Date: 09/07/2024

Activity Location: 720 W. Waterloo, St., Canal Winchester, OH 43110

Authoring Agent: SA Aja Chung, #86

Narrative:

On September 7, 2024, Chad Evangelista (Evangelista) was arrested for disorderly conduct and obstructing official business and transported to the Fairfield County Jail. Force was used multiple times during the arrest and at the jail. Following the interaction with law enforcement, Evangelista lost consciousness inside his cell and was transported to Fairfield Medical then transferred to Riverside hospital where he later died on September 9, 2024.

Two agencies assisted FCSO during Evangelista's arrest at 720 W. Waterloo St., Canal Winchester, OH. Those agencies included a Franklin County Sheriff's Office deputy and two Lithopolis Police officers. No law enforcement personnel were injured during the incident. Video footage of the incident was captured on both body-worn cameras and jail cameras from all agencies.

On September 10, 2024, the Fairfield County Sheriff's Office (FCSO) requested the Ohio Bureau of Criminal Investigation (BCI) to investigate an Officer-Involved Critical Incident that occurred at the Fairfield County Jail. BCI Special Investigation Unit (SIU) Special Agents Aja Chung (SA Chung) and James Poole (SA Poole) were assigned to investigate the incident. Dispatch records, body-worn camera (BWC) and jail footage were given to BCI by FCSO and will be among the items reviewed as part of this investigation.

On November 4th, 2024, SA Chung reviewed the video footage provided by FCSO. The BWC footage was copied from a flash drive and was digitally saved to BCI Shared F drive. Please review the video footage for specific details.

This report documents the BWC of two Lithopolis Police officers, Chief Wesley Barton (Chief Barton) and Officer Kurtis Schmidt (Ofc. Schmidt) that responded to the scene.

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SA Chung reviewed the video, and the following was noted within the video, "AXON_Body_3_Video_2024-09-07_1421_X60AC651Y".

- This footage was unrelated to this incident.

SA Chung reviewed the video footage from LPD Chief Barton's BWC and the following was noted.

- The video was 21:08 minutes long and began with Lithopolis Police Department (LPD) Chief Barton on foot, walking to his cruiser after radio traffic was heard requesting more units.
- Once inside his cruiser, he activated his lights and sirens. Radio traffic was heard, "Gender and Waterloo."
- At the 6:50 minute mark, Chief Barton arrived at the scene.
- As Chief Barton approached the rear passenger side of the Franklin County cruiser, a deputy wearing a high visibility uniform shirt was seen in the back seat of the cruiser. Someone could be heard saying, "We are 911, get up."
- Chief Barton was observed to walk around to the rear driver's side of the Franklin County cruiser and [REDACTED] was seen attempting to get Evangelista into the back seat.
- The deputy with the high visibility uniform shirt was observed at this time as well.
- Evangelista was seen handcuffed with his hands behind his back. He was positioned on his right arm with part of his body on the floorboard.
- Chief Barton grabbed Evangelista's left arm to assist Evangelista in repositioning his body to Evangelista could get into the back seat.
- Evangelista was heard saying, "I'm standing up" and then starts yelling, "Help! Help me!".
- Evangelista's labored breathing was heard during the entire interaction with law enforcement.
- After Evangelista was secured in the rear seat of the Franklin County cruiser, Chief Barton was heard saying over his radio that Evangelista was detained.
- [REDACTED] was heard telling other units on scene that he was dispatched to a suspicious person walking in the road.
- [REDACTED] was heard saying, "He kept pushing us into the road."
- At the 9:17 minute mark, [REDACTED] was seen retracing his footsteps near Gender Road. Chief Barton remained at Evangelista's arresting location.

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- Approximately seven minutes passed until [REDACTED] returned to the scene in his cruiser.
- At the 18:57 minute mark, Evangelista was transferred from the Franklin County cruiser to the back of [REDACTED] cruiser.
- Before being placed in the back of [REDACTED] cruiser, the handcuffs on Evangelista were checked for tightness and double-locked.
- Evangelista was heard saying, "I think I need a..." (sentence not finished). Either [REDACTED] or Ofc. Schmidt was heard saying, "You think you need a what? A medic?"
- Evangelista was heard saying, "No, I don't need a medic."
- Evangelista was given orders by other law enforcement units to get into the cruiser.
- Chief Barton was observed to walk around to the rear driver's side door and open it. Evangelista's labored breathing was heard, and he was seen eventually getting in the back seat.
- At the 20:19 minute mark, Chief Barton shut the cruiser door.
- A general conversation amongst other units occurred and the recording ended.

SA Chung reviewed the BWC video for LPD Ofc. Schmidt and the following was noted.

- The video was 18:10 minutes long and began with Ofc. Schmidt driving his cruiser during daylight hours.
- Radio traffic was heard, "He's detained. Need more units." Ofc. Schmidt activated his lights and siren and drove to the scene.
- At the 3:48 minute mark, Ofc. Schmidt arrived at the scene and exited his cruiser. Evangelista can be heard asking for help.
- A deputy wearing a high visibility uniform shirt was observed in the back seat of the Franklin County cruiser. [REDACTED] was seen on the rear driver's side. Both deputies were observed attempting to get Evangelista inside the cruiser.
- Ofc. Schmidt was seen walking to the rear driver's side of the county cruiser by [REDACTED].
- Evangelista was secured in the back of the Franklin County cruiser shortly after his arrival.

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- Ofc. Schmidt assisted [REDACTED] as he retraced his footsteps back to [REDACTED] cruiser. [REDACTED] retrieved his BWC that fell off during the altercation.
- [REDACTED] was heard telling Ofc. Schmidt that he was dispatched to a mental health call and "There was no reason to go hands on", and that Evangelista, "Kept on pushing them into the road".
- At the 9:30 minute mark, both units reach [REDACTED] cruiser and drove back to where Evangelista was located.
- At the 12:13 minute mark, [REDACTED] and Ofc. Schmidt arrived at the arresting location.
- Ofc. Schmidt was positioned in the front passenger seat and was heard saying, "Obstruction." "You're investigating a 60."
- Ofc. Schmidt was seen exiting the cruiser and walking up to Evangelista, still secured in the back seat of the Franklin County cruiser. Ofc. Schmidt was heard asking Evangelista if he had any warrants.
- At the 14:18 minute mark, Evangelista was observed to have sweat on his face with labored breathing, stated that he did not have any warrants.

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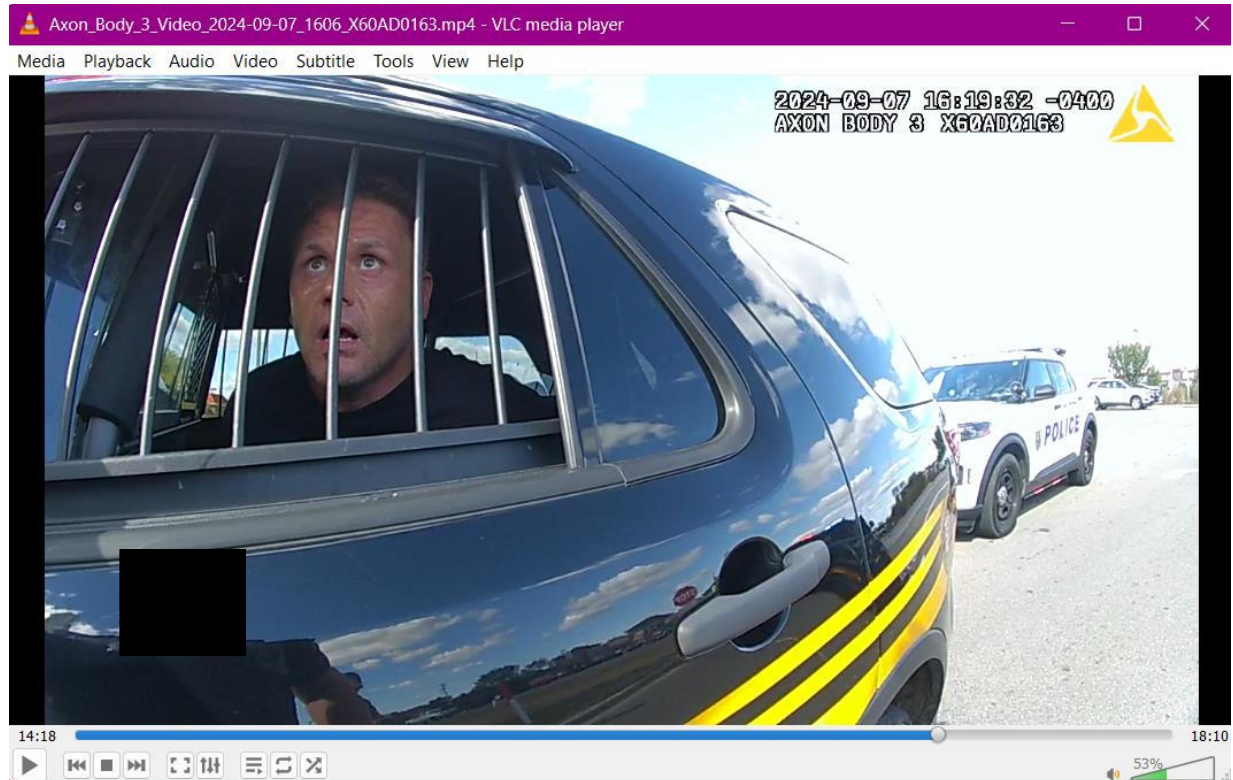


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- Ofc. Schmidt was observed assisting with transferring Evangelista to [REDACTED] cruiser. Ofc. Schmidt was seen controlling Evangelista's left arm when the handcuffs were checked for tightness and double-locked.
- During the transfer, Evangelista was heard saying, "I think I need a..." (does not finish sentence).
- Ofc. Schmidt was heard stating, "You think you need a what? A medic?" Evangelista was heard saying, "No, I don't need a medic."
- Ofc. Schmidt was heard telling Evangelista to "Get into the car or we're going to put you in the car." Evangelista was heard saying, "I'm getting in, sir" and eventually gets into the cruiser.
- The video ended with the responding units engaged in a conversation.

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References:

1 - LPD BWC and Dash-cam - BCI Shared F Drive

Attachments:

1 - Schmidt BWC photo

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