



LORAIN POLICE DEPARTMENT

Jim McCann | Chief of Police

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For Immediate Release

April 11, 2023

ADMINISTRATIVE INVESTIGATION / REVIEW OF 126 W. 27TH St

The administrative investigation and review of the incident that occurred at 126 W. 27th St. on February 15, 2023 1539 hours has been completed. Shortly after the incident, videos from the address were posted on social media and the event went “viral” with misleading and incomplete information.

Truth and Transparency is of the utmost importance to the Lorain Police Department. The public has a right to know what we do, why we do it, and if we are doing within the confines of the Constitution. I took several steps to ensure a proper review of this incident took place. First, I directed the Lorain Police Department’s Office of Professional Standards to conduct a complete administrative investigation into the incident. Second, I hired an outside expert to review the case independently of the Lorain Police Department’s administrative investigation. Third, I met with the local NAACP Executive Board, including President Earl Head and gave them all the “raw” data, to include reports and all videos from the residence and police BWC footage. Fourth, I met with community-based leaders and pastors and gave them all the “raw” data, to include reports and all videos from the residence and police BWC footage. Lastly, I requested the Lorain County Prosecutor J.D. Tomlinson conduct a complete review of the entire incident using all available statements and evidence to make a determination if our actions were Constitutional.

Attached to this release is the Executive Summary from the Lorain Police Department’s administrative investigation, a statement from the ATF, the independent expert’s review of the incident, the complete review from Lorain County Prosecutor J.D. Tomlinson and the complete LPD Administrative Investigation.

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Chief Jim McCann
LORAIN POLICE DEPARTMENT



EXECUTIVE SUMMARY

The Lorain Police Department's Office of Professional Standards (OPS) initiated an investigation into the Department's Patrol Impact Team (P.I.T.) based on information it received that alleged an officer had engaged in misconduct while working street crime enforcement in one of the city's high-crime neighborhoods. The P.I.T. team was accompanied by a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), who was riding with a Lorain Police Officer at the time of the incident.

The incident occurred on February 15, 2023, at approximately 1539 hrs. Lorain Police Officer Sayers, accompanied by Special Agent Fabrizio, were targeting high crime areas in the city as a part of the Patrol Impact Team's assigned duties. While on patrol, the officers were focusing on the area of W. 27th Street and Broadway Avenue. The area is a known crime hotspot, according to Department crime data. That area of the city is known to have multiple incidents of "shots fired" calls and weapon violation complaints. In fact, a shooting had occurred in broad daylight the previous July between a group of juveniles in the area of 126 W. 27th Street. The gun battle had been recorded by nearby security cameras.

While Officer Sayers and Agent Fabrizio were patrolling the area that afternoon, they observed three males on the street corner which aroused their suspicion. Officer Sayers said two of the males had their hands in their hooded sweatshirt pockets and/or in their waistbands, while looking around their immediate area. Through Officer Sayers' and Agent Fabrizio's prior experience in identifying people with illegal firearms, the behavior exhibited by the three males



was an indicator that they may have been armed. While observing the trio, Sayers and Fabrizio observed the males illegally cross the roadway by not using the marked crosswalk. They then proceeded to walk down W. 27th Street in the roadway, without using the sidewalk, which was provided. Both are violations of Lorain City Ordinances.

The three then began to approach the residence of 126 W. 27th Street. Due to their initial observations and the observed pedestrian traffic violations committed by the males, the officers wanted to perform a *Terry* stop. Sayers activated his emergency lights and sirens to initiate a traffic stop for the ordinance violations as the trio were approaching the front door of the residence. According to Sayers, the males acknowledged their presence by looking back at their patrol vehicle, but quickly made their way up the front steps and went inside.

At that point, Sayers and Fabrizio encountered Mary Hildreth. Hildreth came to the front door and began speaking to the officers. Sayers asked Hildreth to send the three males outside. He was also attempting to explain to her that the three males had committed an ordinance violation and they needed to speak with them so they could be identified and written a traffic citation. Hildreth refused to have them come outside so the officers could properly identify them. Hildreth started shouting at the officers and generally obstructed their investigation by refusing to cooperate. Hildreth requested a supervisor, at which point Lt. Manicsic and Sgt. Vrooman responded; however, the situation continued to escalate and Hildreth became more incensed and more uncooperative.



Ultimately, Hildreth was issued a summons for Obstructing Official Business after Lt. Manicsic had contacted the Lorain City Prosecutor for guidance.¹ Hildreth was provided a copy of her summons and advised of her court date in Lorain Municipal Court. As the officers were leaving, people at the residence began yelling obscenities, such as, “Fuck the police” and other vulgarities.

On February 23, 2023, the Lorain Police Department’s Office of Professional Standards received a written complaint from Mary Hildreth alleging police misconduct and racial discrimination. Hildreth’s complaint was broken down into four primary allegations:

1. Law enforcement contact with juveniles and violations of law.
2. Law enforcement officers failing to identify themselves.
3. Officers racially profiled; and
4. Officer Sayers falsified his police report.

Consequently, at the direction of the Chief of Police, OPS conducted an investigation into the circumstances surrounding the encounter to determine if any Department policies may have been violated and to review the incident in its entirety.²

¹ Ohio Revised Code §2921.31.

² Chief McCann had already ordered OPS to conduct an administrative review prior to the complaint being made by Hildreth.



OPS investigated the complaint over the course of several weeks, conducting witness interviews and subpoenaing documents and other related evidence. OPS ultimately ruled that Officer Sayers had both reasonable suspicion and probable cause to stop Jordan Barnette, Jacob Hall, and an unidentified juvenile, believed to be Terius Campbell. OPS also ruled one of Hildreth's allegations as **exonerated** and three of her allegations as **unfounded**. However, OPS **sustained** a violation committed by Officer Sayers for discourteous treatment of Mary Hildreth and for acting unprofessionally during their encounter. OPS determined that Officer Sayers' conduct was in violation of the Lorain Police Department's Standards of Conduct. Alleged misconduct committed by the ATF Special Agent was not investigated, as the ATF Agent was not employed by the Lorain Police Department and OPS has no standing to investigate a federal government employee.

OPS also determined that Mary Hildreth made several inaccurate statements during her interview with OPS, which were not consistent with the evidence derived from the investigation. Those statements include: **1.** The claim that her son had no previous criminal record, when in fact he was adjudicated a juvenile delinquent in two prior cases in Lorain County Juvenile Court. In the first case, her son was found delinquent on the charge of Obstructing Official Business.³ In the second case her son was found delinquent on the charge of Assault⁴ while he was on probation from the prior case; **2.** That Officer Sayers and other officers refused to provide their name and

³ Per a plea agreement in the case, the charges of Riot, Menacing, and Disorderly Conduct was dismissed. The Lorain County Prosecutor did not prefer a charge of Resisting Arrest, which had been filed by the arresting officer.

⁴ Assault is a crime of violence according to the Ohio Revised Code.



badge numbers, when the body-camera footage demonstrated otherwise; and **3.** That her son was attending Life Skills in Elyria, when school records show that he had been withdrawn due to chronic truancy. Hildreth also admitted in her interview that she did not personally witness any biased-based policing “directly.”

OPS has completed its investigation and provided its report to Chief McCann, the Lorain County Prosecutor’s Office and the Lorain City Prosecutor’s Office for their information and review. In addition, OPS is recommending criminal charges be filed in Lorain County Juvenile Court and Lorain Municipal Court based on its investigation of the incident. Charging decisions are ultimately up to the respective Prosecutor’s Offices. Departmental charges against Officer Sayers are pending, based on a review by Chief McCann and/or the Department’s Employee Review Board (ERB).

From: McCormick, Daryl S. (ATF)
Sent: Tuesday, March 21, 2023 2:33 PM
To: McCann, James - Chief

Subject: Statement

The ATF has reviewed the incident at 126 W. 27th Street, Lorain, Ohio on February 15, 2023 involving one of its Special Agents while assisting Officers of the Lorain Police Department (LPD). The interaction was based on a pre-approved plan derived from crime analysis of shooting incidents and intended to disrupt potential shootings. Officers acted upon reasonable suspicion of criminal activity, namely the illegal possession of firearms, and those actions were in compliance with the Supreme Court ruling in Terry v. Ohio. This matter was referred to ATF's Internal Affairs Division for review and returned to a management official, which found no evidence of misconduct by the ATF special agent. Lorain Police Officers do not fall under ATF policies and procedures. Accordingly, the ATF will not address their conduct relating to their department policies and procedures, one way or the other.

Daryl S. McCormick
Special Agent in Charge
ATF Columbus Field Division

Re: City of Lorain Police Interaction

Incident Date: February 15, 2023

Professional Summary; Opinion

Date: March 5, 2023

To: Pat Riley, Law Director
Jim McCann, Chief of Police

**Prepared by:
Scott L. Hughes**

Overview

Police investigatory stops and interactions are dynamic and complex investigations. Police officers are often forced to make split second decisions in circumstances that are tense, uncertain, and rapidly evolving. Those tasked with reviewing claims of excessive or unreasonable uses of force, must judge the actions of the officer without 20/20 hindsight. (*Graham v. Connor*, 490 U.S. 386 (1989)). Those involved in investigating police stops and searches, evaluate whether an officer had “reasonable suspicion,” which has been defined as “*articulable facts that would lead a reasonable officer to conclude that criminal activity is afoot.*”

City of Lorain (OH) police officers, in collaboration with an agent from the Bureau of Alcohol, Tobacco, and Firearms (ATF), were conducting patrols in a high crime area where a recent series of ‘shots fired’ complaints had occurred. In particular is the 100 block of W. 27th Street, Lorain, Ohio.

On February 15, 2023 at approximately 3:29 p.m., a group of three males were observed standing on the corner of W. 27th Street and Reid Avenue. As police officers drove by, they observed that the males appeared to be concealing something in their waistbands. Officers

would eventually attempt to stop the suspects; however, they fled into a residence located at 126 W. 27th Street.

While preparing this professional review, circumstances leading up to the stop are discussed with references to applicable case law, best law enforcement practices, and training. This is necessary to understand the complexity of the situation leading up to the investigatory stop.

1. Introduction:

On March 1, 2023, I was requested by Chief of Police Jim McCann, to conduct a professional review into the incident involving members of his agency surrounding the circumstances at 126 W. 27th Street. Chief McCann would like a review of the incident to determine – in part – whether the actions of his officers were lawful and reasonable given the circumstances.

2. Summary of Qualifications

I have been in law enforcement since 1997. For over twenty years, I have served as an instructor through the Ohio Peace Officer's Training Commission, and also collaborate with attorneys teaching use of force, tactics, and case law. I am a contributing writer and instructor for Calibre Press, and I have instructed tens of thousands of police officers across the country on numerous specialties including leadership, communication, body language, and officer safety and survival. I possess a bachelor's degree in Organizational Leadership from the University of Charleston, and I am a member of the Association of Force Investigators. I chair the Professional Services Committee for the Ohio Association of Chiefs of Police and I am a member of the Education Committee. I serve as a subject matter expert on various legal issues, including use of force, police procedures, and police policy. Currently, I am retained on several law enforcement matters across the country involving police interactions and police practices and procedures. I serve as an instructor in the New Chief's Training program, which is required for every newly promoted police chief in the State of Ohio. I am currently the Chief of Police in one of the fastest-growing suburbs in Ohio.

3. Opinions

My opinions are based on reviewing the information provided to me regarding this incident and reflect my training and experience and generally accepted best practices; and do not presume or imply a statement of any legal opinion.

4. Specifics

The City of Lorain Police Department (LPD) is facing a significant amount of backlash from members of the community and outside influences, surrounding the attempted investigatory stop of three suspects in a high crime area that was the target of specific directed police patrols. According to media reports, the owner of the residence located at 126 W. 27th Street claims that officers *“overstepped their boundaries and harassed her family while trying to question her son and two other teenagers.”*¹(Note: there is no evidence that the officers were aware of the ages of the suspects).

5. Background

The City of Lorain is located in Lorain County, Ohio approximately 25 miles west of Cleveland. The crime rate in the City of Lorain is considerably higher than the national average. Based on FBI crime data, the City of Lorain is not one of the safest communities in America. Relative to Ohio, the City of Lorain has a crime rate that is higher than 90% of the state's cities and towns of all sizes. For 2017 - 2021, there were 1,375 violent crime incidents, and 1,510 offenses reported by the City of Lorain Police Department. Between 2020 and 2021, LPD reported a 7% increase in violent crimes and 4% increase in offenses reported.²

6. High Crime Area

The residence at 126 W. 27th Street is located in a high crime area; in fact, LPD has responded to this address 24 times in two years for numerous criminal activity; including domestic violence, weapons violations, shots fired calls, assaults, and menacing. LPD officers have made

¹ <https://fox8.com/news/mother-files-harassment-complaint-against-lorain-police/>

² <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/crime-trend>

numerous arrests at this location and were keenly aware of the dangers surrounding this neighborhood.

An example of how dangerous this location is: July, 2022 in broad daylight, at approximately 2:30 p.m., officers were dispatched to the area of 126 W. 27th Street for a shots fired complaint. Based on evidence recovered, and a Ring doorbell camera, over one dozen shots were fired during an altercation involving multiple individuals. This shooting endangered innocent civilians, as some of the rounds travelled into a nearby Walgreens.

Increasing patrols in a high crime area such as 126 W. 27th Street, is a law enforcement best practice, and highly recommended to protect the community. To ignore this type of criminal activity would be foolish and place the residents in further danger.

7. Reasonable Suspicion | Terry Stop

A Terry stop is defined as “a brief, temporary involuntary detention of a person suspected of being involved in criminal activity for the purpose of investigating the potential criminal violation.”

In order to lawfully conduct a Terry stop, a law enforcement officer must have “reasonable suspicion,” which has been defined as *“articulable facts that would lead a reasonable officer to conclude that criminal activity is afoot. More than an unsupported hunch but less than probable cause and even less than a preponderance of the evidence.”* Law enforcement can conduct investigative detentions when they reasonably believe that criminal activity is afoot. The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others is in danger.³

A police officer’s experience with criminal activity in an area and an area’s reputation for criminal activity are factors that are relevant to the reasonable-suspicion analysis. The law requires consideration of these “contextual factors.”⁴

On February 15, 2023 at 3:29 p.m., officers observed a group of three males standing on the corner of W. 27th Street and Reid Avenue – a high crime area described above. Officers

³ Terry v. Ohio, 392 U.S. 1 (1968) | The U.S. Supreme Court clearly identified that the officer does not have to be right, he only needs to be reasonable.

⁴ Hairston, 2019-Ohio-1622.

observed the suspects appear to be concealing weapons in their waistbands. In addition, the suspects were attentively observing the surrounding area.

As the officers continued to monitor the individuals, probable cause was developed to make a pedestrian stop on the three subjects.⁵ Upon the officers activating their lights and audible siren, one of the individuals uttered, “*Oh shit, it’s the boys* (slang for police), *hurry up*.” The three subjects then fled into the front door of 126 W. 27th Street.

Well-trained law enforcement officers – including a member of the ATF – have been specifically tasked with apprehending dangerous individuals in this community. As the officers are patrolling a known violent location, they observe individuals whose body language and non-verbal cues are consistent with armed characteristics. Therefore, based on this fact pattern, stopping these individuals would clearly be within the standards set forth in *Terry v. Ohio*.

8. Probable Cause

In addition, the officers had probable cause to issue a traffic citation for violation of Lorain Codified Ordinance 371.05(a). Probable cause means that a reasonable person would believe that a crime was in the process of being committed, had been committed, or was going to be committed. The observed violation of Lorain Codified Ordinance 371.05(a) established a crime had been committed. Probable cause is enough for a police officer to make an arrest – or issue a citation – if he sees a crime being committed.

9. Human Behavior

In reviewing the video, it is clear that all three suspects are concealing an item(s) in their waistbands. Based on the violent crime in this area, a reasonable police officer would assume that ‘item’ is a weapon. In reviewing the video footage taken from the home at 126 W. 27th Street, the three suspects’ body language would lead a reasonable officer to believe that they are armed and have a concealed gun their groin/waistband area. The overwhelming majority of offenders who carry a gun tuck it into their right front waistband, between their navel and hip in order to keep the gun accessible. In practically all cases, a hidden firearm will be un-holstered;

⁵ Lorain Codified Ordinance 371.05(a) - Walking along Highways, “Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.”

therefore, because of the gun's uneven weight, it can cause it to move on its own and require adjustment.



Because the gun is loose, suspects' are constantly in fear that the weapon will slip, and they'll periodically touch it, consciously or unconsciously, to be sure it's still there and in place. This is known as a "security feel." Closely related to the security feel is a "protective body movement." This is particularly noticeable when an armed subject is running or moving abruptly; he holds his arm against the concealed weapon, either stiffly or with a very restrained swing. Even if the suspect is just walking, you may see that he takes a full stride with his opposite-side foot but the gun-side stride will be shorter, almost like a limp in some cases. This is because he's trying to clamp the gun in place and minimize its slipping or its risk of falling out. The arm may also come in against the gun "as a protective movement when people start getting close to the suspect."⁶



⁶ <https://calibrepress.com/2019/10/how-to-spot-armed-suspects/>

In addition to this, it should be noted that as the suspects are walking into the house, the last individual appears to increase his stride once the officers activate their lights and audible siren. All three suspects acknowledge – verbally and non-verbally – that the presence of law enforcement is known to them. By fleeing into the residence, this only heightens the officer's suspicions, and confirms their belief that criminal activity is afoot.

10. Executive Summary

Between 2010 and 2019, 471 police officers were murdered by firearms. Of those, 343 were handguns. During that same timeframe, 549,892 police officers were injured in the line of duty; of those, 113,262 were committed by an individual with a firearm, knife, or other dangerous weapon.⁷ In 2019, firearms were used in 73% of all homicides, 36% of robberies, and 27% of assaults committed in America⁸. Therefore, the threat to police officers and members of our communities from suspects armed with a weapon is significant. Law enforcement agencies should continue to aggressively seek out known offenders in an attempt to take these weapons off the streets.

One way to address violent crime in neighborhoods is through the use of hot spots policing. Hot spots policing strategies focus on small geographic areas or places where crime is concentrated. Through hot spots policing strategies, law enforcement agencies can focus limited resources in areas where crime is most likely to occur. This practice is effective for reducing overall crime.⁹ Police officers should rely on their training and experiences in combatting violent criminals who pose a threat to our communities and victimize residents.

It is my professional opinion that the individuals in the video were most likely armed, or likely to be armed, based off of their verbal and non-verbal behaviors. These officers had both reasonable suspicion and probable cause to stop and detain these suspects. It is also my professional opinion that the actions of the officers were consistent with law enforcement best practices and accepted police operations.

⁷ <https://ucr.fbi.gov/leoka>

⁸ <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/violent-crime#:~:text=There%20were%20an%20estimated%20366.7,percent%20from%20the%202010%20estimate.>

⁹

<https://crimesolutions.ojp.gov/ratedpractices/8#:~:text=Hot%20spots%20policing%20strategies%20focus,is%20most%20likely%20to%20occur.>

11. Closing

All opinions and conclusions expressed above are presented to a reasonable degree of professional certainty and/or probability. I further declare, certify, verify, and state pursuant to 28 United States Code Section 1746 under penalty of perjury under the laws of the United States of America that the foregoing to true and correct.

This concludes my findings and opinions in this case based on examinations of documents to this date. I understand additional information may be requested through the discovery process, and respectfully reserve the right to modify my opinion based on the receipt and examination of additional information.

Scott L. Hughes



Lorain County Prosecutor
J.D. Tomlinson
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To: Chief James McCann, Lorain Police Department

From: J.D. Tomlinson, Lorain County Prosecutor

Date: March 30, 2023

Re: February 15, 2023 Incident on W. 27th Street

Dear Chief McCann:

You requested that the Lorain County Prosecutor's Office review an incident that occurred on February 15, 2023 in the vicinity of 126 W. 27th Street, Lorain, Ohio to determine whether the involved officers of the Lorain Police Department committed any constitutional violations during an attempted *Terry* stop of three male suspects. As part of your request, you turned over a significant amount of material, including various video recordings from the incident, recordings of officer interviews, and various investigative reports, including the Investigative Report prepared by the Lorain Police Department's Office of Professional Standards, all of which I have reviewed.

Facts

Officer Brandon Sayers is a member of the Lorain Police Department's Patrol Impact Team, which is a specialized unit that relies on criminal intelligence to patrol high crime areas. On February 15, 2023, Officer Sayers was patrolling the area of W. 27th Street and Broadway Avenue, which is considered to be a high crime area of Lorain due to the significant number of firearms-related offenses that have occurred there in the preceding two years. Indeed, in July 2022, two dueling groups of juveniles had a gunfight near 126 W. 27th Street in which at least 14 shots were fired with bullets striking a nearby house and business.

At approximately 3:39 p.m., Officer Sayers was travelling southbound on Reid Avenue towards W. 27th Street. As he travelled, he observed a group of three males standing on the corner of W. 27th Street and Reid Avenue. Officer Sayers took particular note of the males because two of them were wearing hooded sweatshirts even though it was a sunny, 68-degree day. As he drove past the males, Officer Sayers observed that all

three of them had one or both of their hands in their waistbands or pockets and that they were scanning their surroundings. As the males scanned their surroundings, they would twist their upper bodies but keep their arms stiff in their pockets or waistbands. Based on Officer Sayers' training and experience, he concluded from those indicators that the males were carrying concealed weapons.¹

After those observations, Officer Sayers turned his vehicle around and circled the block. When he got to the corner of W. 27th Street and Broadway, Officer Sayers observed the males illegally cross the street without using a marked crosswalk. He also observed the males walking in the roadway of W. 27th Street even though there were adjacent sidewalks. The group proceeded diagonally on W. 27th Street to the residence located at 126 W. 27th Street.

As the group approached the residence, Officer Sayers activated his emergency lights and siren. The males looked back towards Officer Sayers' patrol vehicle, indicating that they heard the siren. Rather than stop, the males fled into the residence. Officer Sayers then approached the residence and took cover based on his concern that the males were armed and his knowledge of the prior shooting at that location.

One of 126 W. 27th Street's residents, Mary Hildreth, came to the doorway and called out to Officer Sayers and the ATF agent. She asked what their business was at the residence. Officer Sayers responded that he observed pedestrian violations and needed to speak with the three males who had just entered her house. He asked that the males come outside. When Ms. Hildreth refused that request, Officer Sayers asked for their identifications. Ms. Hildreth continued to refused police access to the males and she refused to provide their names, except for her son's name. Ms. Hildreth's communications with Officer Sayers were profanity-laden and featured significant aspersions on police. Officer Sayers contacted his supervisors regarding the situation. Sergeant Ryan Vrooman subsequently responded to the scene as did Lieutenant Eric

¹ An agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives was with Officer Sayers during his patrol on February 15, 2023. My constitutional analysis of this matter does not offer any final conclusions regarding that agent's actions because he is subject to review by the federal Office of Inspector General. However, much of the analysis explained below in regard to the actions of Officer Sayers and the other members of the Lorain Police Department involved in this matter would also apply to the ATF agent.

Manicsic. Sgt. Vrooman engaged Ms. Hildreth but she continued her contentious communications despite his explanations of legal procedure and Officer Sayers' investigation of the pedestrian violations. Lt. Manicsic did the same but without a different result. Ms. Hildreth's husband also arrived at the residence during the incident and was likewise confrontational with the responding officers. Ultimately, the officers issued a summons to Ms. Hildreth for misdemeanor Obstructing Official Business.

Legal Analysis

A. The Fourth Amendment and *Terry* Stops

The Fourth Amendment to the United States Constitution protects individuals' right to be free of "unreasonable searches and seizures." By the Amendment's plain terms, it "does not proscribe all state-initiated searches and seizures; it merely proscribes those which are unreasonable." *Florida v. Jimeno*, 500 U.S. 248, 250 (1991). Based on the Fourth Amendment's touchstone of reasonableness, the United States Supreme Court has recognized that a police officer is constitutionally authorized to stop an individual when he or she has a reasonable, articulable suspicion that criminal activity has occurred, is occurring, or is about to occur. *Terry v. Ohio*, 392 U.S. 1, 21 (1968). To that end, an officer's *Terry* stop passes constitutional muster so long as he or she had reasonable suspicion of any criminal offense, even a minor traffic or pedestrian ordinance violation. *See State v. Mays*, 119 Ohio St.3d 406, 2008-Ohio-4539, ¶ 8 (holding that stop based on traffic violation was constitutionally sound).

When assessing whether an officer has the requisite justification to initiate a *Terry* stop, the analysis must focus not on one single fact but rather the totality of the circumstances. *State v. Bobo*, 37 Ohio St.3d 177 (1988), paragraph one of the syllabus. That totality review requires a consideration of (1) the stop's location including whether it is a "high crime" area; (2) the officer's experience, training, or knowledge; (3) the suspect's conduct; and (4) the surrounding circumstances. *State v. Biehl*, 9th Dist. Summit No. 22054, 2004-Ohio-6532, ¶ 14; *State v. Curry*, 95 Ohio App.3d 93, 97 (8th Dist.1994). The import of the *Terry* doctrine is that "[t]he Fourth Amendment does not require police officers performing surveillance in high crime areas to presume innocent explanations and stick their heads in the sand when blatantly suspicious activity occurs before their eyes." *State v. Starr*, 9th Dist. Lorain No. 14CA010586, 2015-Ohio-2193, ¶ 21. Indeed, requiring officers to do so would run "contra to the very nature of [their]

duty.” *State v. Freeman*, 64 Ohio St.2d 291, 295 (1980).

B. Officer Sayers Had Reasonable Suspicion of Lorain Ordinance Violations that Justified His Attempted *Terry* Stop of the Suspects.

As an initial matter, the constitutional analysis of the attempted *Terry* stop on W. 27th Street implicates the City of Lorain’s pedestrian safety ordinances. Under those ordinances, it is illegal to walk along a roadway “[w]here a sidewalk is provided and its use is practicable.” Lorain Codified Ordinances 371.05(A). It is also illegal to cross a street in Lorain “at any point other than a marked crosswalk.” Lorain Codified Ordinances 371.03(A). Those proscriptions are significant to the constitutional analysis in this matter because before initiating the *Terry* stop, Officer Sayers observed the suspects fail to use a crosswalk when crossing W. 27th Street, and he observed the suspects walk down the roadway as opposed to down the adjacent sidewalk. Both observations provided Officer Sayers with the requisite reasonable suspicion to initiate a *Terry* stop of the suspects for those ordinance violations. *See State v. Allen*, 2d Dist. Montgomery No. 28874, 2021-Ohio-3047, ¶ 38 (holding that stop of defendant based on reasonable suspicion of jaywalking was constitutionally sound); *State v. Parsons*, 2016-Ohio-8109, 74 N.E.3d 945, ¶ 25 (11th Dist.) (“Reasonable suspicion to stop an individual has been found to exist in cases involving misdemeanor traffic offenses, including where pedestrians are walking in the middle of a roadway.”). Accordingly, I find that Officer Sayers’ attempted *Terry* stop of the suspects did not create any constitutional infirmity.

In his police interview, Officer Sayers acknowledged that his observations of the ordinance violations outlined above were “secondary” in his decision to initiate a *Terry* stop. But, that fact is of no constitutional significance. *See State v. Nolen*, 4th Dist. Scioto No. 19CA3873, 2020-Ohio-118, ¶ 17 (“A traffic stop with the proper standard of evidence is valid regardless of the officer’s underlying ulterior motive as the test is merely whether the officer could have performed the act complained of; pretext is irrelevant if the action complained of was permissible.”). Consequently, Officer Sayers’ acknowledgment has no bearing on my conclusions regarding the constitutionality of the attempted stop in this matter.

C. Officer Sayers Had Reasonable Suspicion of Criminal Activity that Justified His Attempted *Terry* Stop of the Suspects.

Although the observed pedestrian ordinance violations provided sufficient

grounds by themselves to justify Officer Sayers' attempted *Terry* stop, I also note that he had reasonable suspicion of other criminal activity that independently justified the attempted stop. My conclusion on that point is based on the totality of the circumstances surrounding the attempted stop, particularly those relating to (1) the location of the stop; (2) Officer Sayers' knowledge and experience; and (3) his observations of the suspects' conduct.

First, Officer Sayers was patrolling an area that was not only considered "high crime" but also the City of Lorain's highest crime area. During the two years before the incident, 126 W. 127th Street was the location of 24 calls for service, including multiple firearms-based offenses and shots fired calls. The neighborhood surrounding the location is also included in the area of Lorain that has the highest concentration of shots fired calls.

Second, as a member of the Patrol Impact Team, Officer Sayers has experience observing and identifying individuals who illegally carry firearms. And, Officer Sayers was aware of a shootout between two groups of juveniles that occurred outside of 126 W. 127th Street approximately seven months before the attempted *Terry* stop in this matter.

Third, Officer Sayers observed blatantly suspicious conduct by the suspects from which he reasonably concluded that they were carrying concealed weapons. The suspects drew Officer Sayers' attention because two of them were wearing hooded sweatshirts even though it was a sunny, 68-degree day. All three suspects had one or both of their hands tucked into their waistbands or pockets while scanning the roadway. And, when Officers Sayers activated his emergency lights to stop the suspects, they fled into the residence at 126 W. 27th Street. Such behavior is consistent with firearm possession and provided strong indicators, when combined with the other circumstances, that the suspects were armed when Officer Sayers observed them during his patrol.

Based on all of those circumstances outlined above, I conclude that Officer Sayers had a reasonable suspicion that criminal activity was occurring, namely that the suspects were carrying concealed weapons. Due to the apparent young age of the juvenile suspects, carrying a concealed weapon is illegal under R.C. 2923.12 and constitutes a fourth-degree felony. As such, I conclude that Officer Sayers' attempted *Terry* stop of the suspects was justified due to the observations of not only the

pedestrian ordinance violations but also the suspects' conduct which reasonably gave rise to the conclusion that they were illegally carrying firearms. *See State v. Taylor*, 2d Dist. Montgomery No. 20512, 2005-Ohio-3326, ¶ 12 (holding that officer had reasonable suspicion of criminal activity to initiate *Terry* stop where he was patrolling a high crime area and observed the suspect shove his hand into his pocket and turn to avoid police contact).

On this point, I finally note that the legal standard that applies to *Terry* stops is objective in nature and based on a consideration of the circumstances as "viewed through the eyes of a reasonable and prudent officer on the scene." *State v. Andrews*, 57 Ohio St.3d 86, 87 (1991). Consequently, my constitutionality analysis does not rely on "the actual motive or thought process of the officer." *Bolton v. Taylor*, 367 F.3d 5, 7 (1st Cir.2004). Nevertheless, I note that the circumstances of the attempted *Terry* stop demonstrate that Officer Sayers did indeed believe that the suspects were carrying firearms when he initiated the stop. In the video of the attempted stop, Officer Sayers is seen approaching the residence at 126 W. 27th Street and then taking cover based on his concern about the firearms. Moreover, other video of the incident confirms Officer Sayers' statements regarding his observations of the suspects' conduct indicating concealed firearm possession. Indeed, a voice is heard on one security camera recording from 126 W. 27th Street saying, "Let me go grab them poles now," which is a slang reference to firearms. As such, I find that Officer Sayers' statements regarding the incident were credible and substantiated and those statements, combined with the other evidence from the attempted *Terry* stop, provide ample reasonable suspicion to justify the attempted stop.

D. The Lorain Police Department Officers' Attempts to Obtain the Suspects' Identifying Information Did Not Violate the Constitution.

Ms. Hildreth's complaint and statements to Officer Sayers and other members of the Lorain Police Department during the incident raise an issue of whether the involved officers violated any constitutional protections when they sought access to the suspects. Her complaint relates to the purported legal inability of officers to initiate *Terry* stops of juvenile suspects or question them without parents or legal guardians present. But, based on well-settled controlling law, her complaint is baseless. Ohio courts have explicitly held that parents are not constitutionally required to be present when officers

stop and question them, even when they are in police custody. *See In re E.A.E.*, 2d Dist. Montgomery No. 28248, 2019-Ohio-2749, ¶ 28 (“[P]arental presence is not constitutionally mandated” during police interviews of juvenile suspects). Hildreth also claims that the officers violated the Constitution by attempting to pursue the suspects into her residence. That claim is likewise baseless under controlling law. The United States Supreme Court has consistently recognized that “[p]olice officers may enter premises without a warrant when they are in hot pursuit of a fleeing suspect.” *Kentucky v. King*, 563 U.S. 452, 460 (2011). Accordingly, I find no constitutional violations in the attempts of Officer Sayers, Sgt. Vrooman, and Lt. Manicsic to pursue the suspects and obtain their identifying information.

Conclusion

When Officer Sayers observed blatantly suspicious activity in one of the City of Lorain’s highest crime areas, he acted as a reasonable and prudent officer would—by initiating a *Terry* stop. And, when the suspects fled from his attempted *Terry* stop, Officer Sayers and those officers providing backup to him acted in accordance with their constitutional obligations by attempting to pursue the suspects and obtain identifying information. The question you put to me is whether, under the facts set forth above, did Lorain Police Department Officer Brandon Sayers, Sgt. Ryan Vrooman, Lt. Eric Manicsic, or any persons assisting them engage in any conduct that violated the constitutional rights of the three suspects or the occupants of 126 W. 27th Street during this investigation. I find that they did not.

Regards,



J.D. Tomlinson
Lorain County Prosecutor



**Lorain Police Department
Office of Professional Standards**

Investigative Report

Honor • Respect • Public Service

IA-23-013 / 2023-5546

Report Issued: March 27, 2023



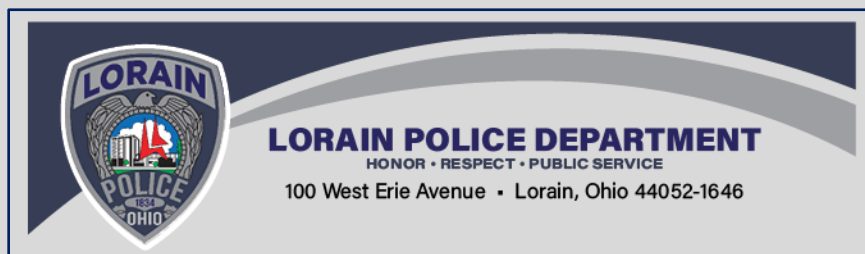
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PROFESSIONAL STANDARDS | LORAIN POLICE DEPARTMENT



James P. McCann
Chief of Police

The Lorain Police Department's Office of Professional Standards is responsible for upholding the integrity of the Lorain Police Department by conducting unbiased, thorough investigations of alleged employee misconduct, while seeking the truth, safeguarding rights, and ensuring the parties involved are treated with dignity and respect.

The Lorain Police Department's Office of Professional Standards serves as a foundation for building transparency, accountability, and public trust within the community. Through continuous growth and innovative practices, the Office of Professional Standards strives to exemplify the highest standards of fairness, objectivity, and professionalism.



EXECUTIVE SUMMARY

The Lorain Police Department's Office of Professional Standards (OPS) initiated an investigation into the Department's Patrol Impact Team (P.I.T.) based on information it received that alleged an officer had engaged in misconduct while working street crime enforcement in one of the city's high-crime neighborhoods. The P.I.T. team was accompanied by a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), who was riding with a Lorain Police Officer at the time of the incident.

The incident occurred on February 15, 2023, at approximately 1539 hrs. Lorain Police Officer Sayers, accompanied by Special Agent Fabrizio, were targeting high crime areas in the city as a part of the Patrol Impact Team's assigned duties. While on patrol, the officers were focusing on the area of W. 27th Street and Broadway Avenue. The area is a known crime hotspot, according to Department crime data. That area of the city is known to have multiple incidents of "shots fired" calls and weapon violation complaints. In fact, a shooting had occurred in broad daylight the previous July between a group of juveniles in the area of 126 W. 27th Street. The gun battle had been recorded by nearby security cameras.

While Officer Sayers and Agent Fabrizio were patrolling the area that afternoon, they observed three males on the street corner which aroused their suspicion. Officer Sayers said two of the males had their hands in their hooded sweatshirt pockets and/or in their waistbands, while looking around their immediate area. Through Officer Sayers' and Agent Fabrizio's prior experience in identifying people with illegal firearms, the behavior exhibited by the three males



was an indicator that they may have been armed. While observing the trio, Sayers and Fabrizio observed the males illegally cross the roadway by not using the marked crosswalk. They then proceeded to walk down W. 27th Street in the roadway, without using the sidewalk, which was provided. Both are violations of Lorain City Ordinances.

The three then began to approach the residence of 126 W. 27th Street. Due to their initial observations and the observed pedestrian traffic violations committed by the males, the officers wanted to perform a *Terry* stop. Sayers activated his emergency lights and sirens to initiate a traffic stop for the ordinance violations as the trio were approaching the front door of the residence. According to Sayers, the males acknowledged their presence by looking back at their patrol vehicle, but quickly made their way up the front steps and went inside.

At that point, Sayers and Fabrizio encountered Mary Hildreth. Hildreth came to the front door and began speaking to the officers. Sayers asked Hildreth to send the three males outside. He was also attempting to explain to her that the three males had committed an ordinance violation and they needed to speak with them so they could be identified and written a traffic citation. Hildreth refused to have them come outside so the officers could properly identify them. Hildreth started shouting at the officers and generally obstructed their investigation by refusing to cooperate. Hildreth requested a supervisor, at which point Lt. Manicsic and Sgt. Vrooman responded; however, the situation continued to escalate and Hildreth became more incensed and more uncooperative.



Ultimately, Hildreth was issued a summons for Obstructing Official Business after Lt. Manicsic had contacted the Lorain City Prosecutor for guidance.¹ Hildreth was provided a copy of her summons and advised of her court date in Lorain Municipal Court. As the officers were leaving, people at the residence began yelling obscenities, such as, “Fuck the police” and other vulgarities.

On February 23, 2023, the Lorain Police Department’s Office of Professional Standards received a written complaint from Mary Hildreth alleging police misconduct and racial discrimination. Hildreth’s complaint was broken down into four primary allegations:

1. Law enforcement contact with juveniles and violations of law.
2. Law enforcement officers failing to identify themselves.
3. Officers racially profiled; and
4. Officer Sayers falsified his police report.

Consequently, at the direction of the Chief of Police, OPS conducted an investigation into the circumstances surrounding the encounter to determine if any Department policies may have been violated and to review the incident in its entirety.²

¹ Ohio Revised Code §2921.31.

² Chief McCann had already ordered OPS to conduct an administrative review prior to the complaint being made by Hildreth.



OPS investigated the complaint over the course of several weeks, conducting witness interviews and subpoenaing documents and other related evidence. OPS ultimately ruled that Officer Sayers had both reasonable suspicion and probable cause to stop Jordan Barnette, Jacob Hall, and an unidentified juvenile, believed to be Terius Campbell. OPS also ruled one of Hildreth's allegations as **exonerated** and three of her allegations as **unfounded**. However, OPS **sustained** a violation committed by Officer Sayers for discourteous treatment of Mary Hildreth and for acting unprofessionally during their encounter. OPS determined that Officer Sayers' conduct was in violation of the Lorain Police Department's Standards of Conduct. Alleged misconduct committed by the ATF Special Agent was not investigated, as the ATF Agent was not employed by the Lorain Police Department and OPS has no standing to investigate a federal government employee.

OPS also determined that Mary Hildreth made several inaccurate statements during her interview with OPS, which were not consistent with the evidence derived from the investigation. Those statements include: **1.** The claim that her son had no previous criminal record, when in fact he was adjudicated a juvenile delinquent in two prior cases in Lorain County Juvenile Court. In the first case, her son was found delinquent on the charge of Obstructing Official Business.³ In the second case her son was found delinquent on the charge of Assault⁴ while he was on probation from the prior case; **2.** That Officer Sayers and other officers refused to provide their name and

³ Per a plea agreement in the case, the charges of Riot, Menacing, and Disorderly Conduct was dismissed. The Lorain County Prosecutor did not prefer a charge of Resisting Arrest, which had been filed by the arresting officer.

⁴ Assault is a crime of violence according to the Ohio Revised Code.



badge numbers, when the body-camera footage demonstrated otherwise; and **3.** That her son was attending Life Skills in Elyria, when school records show that he had been withdrawn due to chronic truancy. Hildreth also admitted in her interview that she did not personally witness any biased-based policing “directly.”

OPS has completed its investigation and provided its report to Chief McCann, the Lorain County Prosecutor’s Office and the Lorain City Prosecutor’s Office for their information and review. In addition, OPS is recommending criminal charges be filed in Lorain County Juvenile Court and Lorain Municipal Court based on its investigation of the incident. Charging decisions are ultimately up to the respective Prosecutor’s Offices. Departmental charges against Officer Sayers are pending, based on a review by Chief McCann and/or the Department’s Employee Review Board (ERB).



Investigative Information

Reports/Incident's reviewed:

1. 2023-5546.
2. 2022-25370.
3. 2023-8528.
4. 2022-27563.
5. 2023-9614.

Employees interviewed:

1. Officer Brandon Sayers.
2. Sergeant Ryan Vrooman.
3. Lieutenant Eric Manicsic.

Policies & Procedures reviewed:

1. Know and Obey Laws and Organizational Directives (Procedure 303).
2. Competent Performance (Procedure 304).
3. Ethics and Professional Behavior (Procedure 305).
4. Standards of Conduct (Policy 320).
5. Bias-Based Policing (Policy 401).
6. Juvenile Enforcement Criteria (Procedure 329).
7. Temporary Custody of Juveniles (Policy 312).



8. Search and Seizure (Procedure 323).
9. Citizens' Inquiries (Procedure 1001).

Recordings reviewed:

1. *Garrity* Interview with Officer Sayers.
2. *Garrity* Interview with Sergeant Vrooman.
3. *Garrity* Interview with Lieutenant Manicsic.
4. Officer Sayers' body-camera recording.
5. Officer Connell's body-camera recording.
6. Officer Ventura's body-camera recording.
7. Officer Daniel's body-camera recording.
8. Interview with Mary Hildreth.
9. Interview with Joseph Hildreth.

Documents/Evidence reviewed:

1. Mary Hildreth's written complaint received by OPS on February 23, 2023.
2. OPS's February 23, 2023, letter and e-mail to Mary Hildreth acknowledging receipt of officer complaint.
3. Notification to Officer Sayers to report for IA Investigation sent on 2-28-2023.
4. Notification to Sergeant Vrooman to report for IA Investigation sent on 2-28-2023.
5. Notification to Lieutenant Manicsic to report for IA Investigation sent on 2-28-2023.
6. Officer Sayers' signed *Garrity* warnings.



7. Sergeant Vrooman's signed *Garrity* warnings.
8. Lieutenant Manicsic's signed *Garrity* warnings.
9. Officer Sayers Procedure Sign-off list.
10. Officer Sayers Policy Sign-off list.
11. March 1, 2023, Letter from OPS to Mary Hildreth.
12. March 1, 2023, Letter from OPS to Joseph Hildreth.
13. March 1, 2023, Letter from OPS to Andrea Woods.
14. *State v. Scott, 2022-Ohio-4096.*
15. *State v. Salas, 2004-Ohio-6274.*
16. *In re Sommer, 2004-Ohio-5885.*
17. Grand Jury Subpoena issued to Black River Career Prep High School.
18. Notice of Withdrawal from Black River Career Prep High School to Mary Hildreth;
January 31, 2023.
19. Attendance Warning Letter from Black River Career Prep High School to Mary Hildreth;
January 13, 2023.
20. Notice of Chronic Truancy to Mary Hildreth; January 10, 2023.
21. Black River Career Prep High School Log Entries for Jordan Barnette; 2022-2023 School
Year.
22. Black River Career Prep High School "Withdraw due to truancy/nonattendance" for Jordan
Barnette.



23. Emergency Contact Information for Jordan Barnette from Black River Career Prep High School.
24. Daily Attendance Record for Jordan Barnette for Black River Career Prep High School.
25. Attendance Warning Letter for Jordan Barnette for Black River Career Prep High School.
26. Global Subject Activity Report for Jordan Barnette.
27. Global Subject Activity Report for Jacob Hall.
28. Global Subject Activity Report for Terius Campbell.
29. OHLEG Report for Mary Hildreth.
30. OHLEG Report for Joseph Hildreth.
31. TLO Report for Mary Hildreth.
32. TLO Report for Joseph Hildreth.
33. Professional Summary: Opinion Report by Scott L. Hughes prepared for the Lorain Law Director and Chief of Police on City of Lorain Police Interaction. Date of Incident: February 15, 2023.
34. Lorain Codified Ordinance §371.05; Walking Along Highways.
35. Lorain Codified Ordinance §371.03; Crossing Roadway Outside Crosswalk; Diagonal Crossing at Intersections.
36. Lorain Codified Ordinance §509.09; Disturbing the Peace.
37. Ohio Revised Code § 2921.32; Obstructing Justice.
38. Ohio Revised Code § 2921.31; Obstructing Official Business.
39. Ohio Revised Code § 2919.24; Contributing to the Delinquency of a Child.



40. Lorain City School Student Record and Attendance Sheet Report for Amadi Hildreth.
41. Lorain City School Student Record and Attendance Sheet Report for Jacob Hall.
42. Officer Sayer's Daily Duty report for February 15, 2023.
43. Sgt. Vrooman's Daily Duty report for February 15, 2023.
44. "Couple File Complaint against Lorain Police Patrol Impact Team" *The Chronicle Telegram*; February 25, 2023.
45. Docket for 20JD59649 in the matter of Jordan Barnette.
46. Docket for 20JD59993 in the matter of Jordan Barnette.
47. Grand Jury Subpoena issued to Lorain City Schools for student records of Jacob Hall.
48. Docket information for Mary Hildreth 2023CRB00632.
49. #2023-8528 Police Report from Officer Jovanovski.
50. ATF Fact Sheet – Public Affairs Division – Washington, DC.: "ATF Frontline: Leveraging Partnerships with State and Local Law Enforcement to Reduce Violent Gun Crime." (www.atf.gov).
51. YouTube video provided by Joseph Hildreth.



The Incident

On Wednesday, February 15, 2023, at approximately 1529 hrs., Officer Sayers, accompanied by ATF Special Agent Fabrizio, was southbound on Reid Avenue near W. 27th Street. The officers were in this area because it was repeatedly listed as a “hotspot” for “shots fired” calls, according to the Department’s crime mapping program. While patrolling the area, the officers reportedly observed three males standing on the corner of W. 27th Street and Reid Avenue. The officers’ attention was drawn toward the males because it was an unusually warm (68 degrees) and sunny day and two of the three males were wearing hooded sweatshirts. The first male was wearing a t-shirt and had his left hand tucked into the waistband of his pants. The second male also had his hand under his hooded sweatshirt and appeared to be tucked into his waistband. The third male had both of his hands in the center pocket of his sweatshirt. While driving by, the officers saw that the males were scanning their surroundings. While their bodies would twist as they scanned, the arm(s) that appeared to be concealing something stayed stiff and unmoving. Although these facts alone may not have been suspicious, in combination, they furthered officers’ suspicions that a crime had been committed, was being committed, or was about to be committed, as



Figure 1: Involved Suspects walking towards 126 W. 27th Street.



these actions are consistent with that of a person with an illegally concealed weapon.⁵

The officers circled the block, and as they turned back onto W. 27th Street, the males left the street corner and started to walk eastbound. While walking eastbound, the officers noted that the subjects' mannerisms were even more pronounced. The males' arms that had appeared to be concealing something were still and unmoving. The males' direction of travel also put them on a path towards 126 W. 27th Street. Officer Sayers was familiar with this residence, as he had assisted in the investigation of a gun battle that had taken place near the residence on July 26, 2022, in which fourteen (14) casings were recovered in the backyard of 122 W. 27th Street (The vacant residence next door to 126 W. 27th Street). Video evidence of the shooting showed two males running from the backyard of 122 W. 27th Street and getting into a green Jeep Patriot that was in the driveway of 126 W. 27th Street. Shortly thereafter, the vehicle fled the scene.

The officers attempted to stop the males as they crossed the street, but as they closed the distance, the males had already made it to the front yard of 126 W. 27th Street. The officers activated their emergency equipment, to include their siren, but the males refused to comply and fled into the residence.

⁵ Criminal activity may be afoot if, based upon the "totality of circumstances," the detaining officer has a "particularized and objective basis" for suspected legal wrongdoing. This process allows officers to draw on their own experiences and specialized training to make inferences from and deductions about the cumulative information available to the officers that might well exclude an untrained person.



The officers were then confronted by the resident, identified as Mary Hildreth. Hildreth came to the front door and began shouting at the officers as Officer Sayers was attempting to explain to her that the three males had committed an ordinance violation and they needed to speak with them to be identified and written a citation. According to Officer Sayers, Hildreth refused to acknowledge the fact that the males had committed a violation, and refused to have them come outside so the officers could properly identify them. Hildreth continued to yell at the officers and obstruct their investigation. Hildreth requested a supervisor, at which point Lt. Manicsic and Sgt. Vrooman responded. When they arrived on scene, Hildreth continued to be enraged and the situation was quickly escalating.

Hildreth was issued a summons for Obstructing Official Business⁶ after officers consulted with the Lorain City Prosecutor. Hildreth was provided a copy of her summons and advised of her court date in Lorain Municipal Court. According to Officer Sayers, as the officers were leaving, people at the residence began yelling obscenities at the officers, to include “Fuck the police!”

Hildreth later filed an officer complaint alleging police misconduct and racial discrimination.

⁶ Ohio Revised Code §2921.31.



Summary of Interview with Officer Sayers⁷

On February 28, 2023, at approximately 1400 hrs., Officer Sayers was interviewed regarding this investigation. Officer Sayers had been given advance notice of the scheduled interview. Present for the interview were: Officer Sayers, his union representative, Isaiah Taylor, and I. The interview took place in OPS and was digitally recorded for evidentiary purposes.

Prior to questioning commencing, Officer Sayers was given a copy of his *Garrity* warnings. He also signed the Employee Rights / Insubordination Warning form.

According to Officer Sayers, he and Agent Fabrizio were patrolling “high crime areas” in the city, as part of his duties on the Patrol Impact Team (“PIT”). Officer Sayers said they were traveling southbound on Reid Avenue when he observed three males standing on the corner of W. 27th Street and Reid Avenue. While he was observing the males, Officer Sayers said he noticed one of the male’s hands was pinned to his waistband, another male’s hands were in his hoodie pocket, and one males’ hand was in his actual waistband. Officer Sayers said the males appeared to be checking their surroundings and were “canting” their bodies and their hands remained in their waistbands and pockets, and their arms remained “pinned.”

⁷ The following is a summary of the interview. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties were electronically recorded and the recordings capture the actual words spoken.



Officer Sayers said he and Agent Fabrizio circled the block and arrived at the intersection of W. 27th Street and Broadway Avenue. At that point, Officer Sayers said he observed the males illegally cross the street. From there they were observed approaching the residence of 126 W. 27th Street while walking in the street and not using the sidewalk. As the males were approaching the residence, he attempted to make contact with them by activating his emergency lights and siren. Officer Sayers said the audible siren was heard by all three males because they looked back toward his unmarked patrol vehicle. Officer Sayers said the males ignored his emergency signals, and instead fled into the residence. Officer Sayers then showed me on Google Earth the path of the males he attempted to stop.

Officer Sayers explained that the violation of walking in the roadway was secondary to his original intent to perform a *Terry* stop.

Officer Sayers reported that when he originally encountered Mary Hildreth, she asked their business as to why they were there. Officer Sayers said he advised her multiple times that they had observed a violation and that he needed to speak with the males. Officer Sayers said he was addressing her “respectfully” by using words such as “ma’am” and “please.” Officer Sayers said he instructed Hildreth to send the males outside; however, she wanted to argue the fact that she was the mother, and the officers could speak with her, and they did not need to speak with the males.

Officer Sayers reported at that point in the encounter he believed he had enough probable cause to charge Hildreth with obstructing official business and decided to contact his supervisor,



Lt. Manicsic, for further instruction. Officer Sayers said Hildreth refused to provide the information on the other two juveniles, other than just their first names, making it difficult to identify them.

I told Officer Sayers during his encounter with Hildreth he seemed to be giving Hildreth a lot of ultimatums; however, he appeared not to be taking any action for her not complying. Officer Sayers said he was waiting for Lt. Manicsic to contact him back to see what he wanted him to do.

I pointed out to Officer Sayers that there did not appear to be any healthy communication taking place during his encounter with Hildreth. Officer Sayers said he was making every attempt he could to get the information that he needed because he knew that at the end of the day, he was going to type a report on the incident. Due to Hildreth's demeanor and her unwillingness to cooperate, he said he needed accurate information in order to do so. Officer Sayers said when he asked Hildreth what her birthdate was she responded, "You should be able to find it." Ultimately, she did not provide it.

I asked Officer Sayers if it appeared to him that Hildreth had a lack of emotional intelligence, making it difficult for him to have a rational conversation with her. I also asked him if he lost control of his emotions during his contact with her, specifically if he had ratcheted up the situation, based on his displeasure of how she was acting. Officer Sayers responded that he believed that he had to raise his voice in order for her to fully understand the situation, adding he could "barely get a word in edgewise." I pointed out to Officer Sayers that his partner seemed to be a lot calmer than he was, particularly his communication style with Hildreth. Officer Sayers



acknowledged the fact that his partner was calmer than he was “at times.” Officer Sayers said that ultimately, he got enough of the information that he needed in order to complete his report.

I asked Officer Sayers if looking back at the situation, he could have improved his communication with Hildreth. Officer Sayers responded, “I don’t believe whatever means that I used would effectively communicate with her. I believe she was set in her ways, and she would act the exact same way that she did whether I was... whether I spoke with her in a softer tone or yelling at her. I don’t believe anything I did would have changed her style of communication.”

Officer Sayers also denied the allegation that anything in his police report was falsified, adding that Hildreth was irate. He said she was “swearing” and “causing a scene.” Additionally, Officer Sayers said Hildreth was noncompliant, leading to her obstructing charge. Officer Sayers contended that the information in his report was true and could be verified by his BWC recording.

Officer Sayers also adamantly denied that he engaged in any kind of biased-based policing and said his attempted *Terry* stop was based on reasonable suspicion that the three males were committing a crime, had committed a crime, or were about to commit a crime.

Officer Sayers related that he has never been disciplined before and was performing his duties as part of the PIT in accordance with Department policy. Officer Sayers said, “In this unit we are doing pro-active police work in order to deter crime throughout the city; and I believe that I was doing it on that day as I have for the past year and a half and the three years, I have been with the Lorain Police Department.” Officer Sayers also related that he has received numerous merit slips/department commendations for seizing illegal firearms, large quantities of illegal



narcotics, and taking violent individuals off the streets. Finally, Officer Sayers said he receives very few citizen complaints, and his supervisors are pleased with his performance on the Patrol Impact Team.

The interview concluded at 1515 hrs. *Refer to the digital recording for additional information.*



Summary of Interview with Sergeant Vrooman⁸

On February 28, 2023, at approximately 1000 hrs., Sgt. Vrooman was interviewed regarding this investigation. Sgt. Vrooman had been given advance notice of the scheduled interview. Present for the interview were: Sgt. Vrooman and me. He declined a union representative. The interview took place in OPS and was digitally recorded for evidentiary purposes.

Prior to questioning commencing, Sgt. Vrooman was given a copy of his *Garrity* warnings. He also signed the Employee Rights / Insubordination Warning form.

According to Sgt. Vrooman, on February 15, 2023, he and several other detectives from Narcotics and Special Investigations Bureau ("NARCO") were conducting street enforcement in that general area when he heard Officer Sayers request a supervisor. Sgt. Vrooman said he was around the corner, so we went over to see what the issue was.

Sgt. Vrooman said when he arrived, he met with Officer Sayers, who informed him about the situation. Sgt. Vrooman said after speaking with Officer Sayers, he approached the house and made contact with Mary Hildreth. He said Hildreth was "amped up" and was making demands. He also said she was uncooperative. Sgt. Vrooman said he recalled telling Hildreth that she was

⁸ The following is a summary of the interview. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties were electronically recorded and the recordings capture the actual words spoken.



making all kind of demands of the officers; however, she herself was not cooperating. He said he attempted to explain to her that the police had a legal reason to be at her house, and a person could not break a law on the street and flee into a house and then be suddenly free.

Sgt. Vrooman also said Hildreth did request his name and badge number, but she continued to talk in a manner that did not give him time to provide the requested information. Sgt. Vrooman said that it was difficult to have a conversation with her because she was “pretty amped up.” Sgt. Vrooman added, “It was not a two-way conversation.” Sgt. Vrooman said he was willing to educate her on the legal procedure, but said it was just a one-way conversation and Hildreth was not listening and wanted to argue. Sgt. Vrooman said the conversation with Hildreth was “going nowhere” so he walked away from her and left the scene when Lt. Manicsic arrived.

Sgt. Vrooman reported he documented his interaction with Hildreth in his daily duty report that day.

To conclude the interview, Sgt. Vrooman said he would be more than willing to have another conversation with Hildreth because he believes misinformation hurts and when she was under the impression that we [the police] were breaking the law when in fact we were not. Sgt. Vrooman said it is a big part of our job to explain and to educate people as to why “we do what we do.” Sgt. Vrooman said a lot of times when people realize why we are taking a certain action, it “tends to disarm them.” Sgt. Vrooman relayed that was his attempt at the beginning of his conversation with Hildreth, but it obviously did not go that way.



The interview concluded at 1030 hrs. *Refer to the digital recording for additional information.*



Summary of Interview with Lieutenant Manicsic⁹

On February 28, 2023, at approximately 1100 hrs., Lt. Manicsic was interviewed regarding this investigation. Lt. Manicsic had been given advance notice of the scheduled interview. Present for the interview were: Lt. Manicsic and me. Lt. Manicsic declined a union representative. The interview took place in OPS and was digitally recorded for evidentiary purposes.

Prior to questioning commencing, Lt. Manicsic was given a copy of his *Garrity* warnings. He also signed the Employee Rights / Insubordination Warning form.

Lt. Manicsic reported that he had been contacted by Officer Sayers who had said that he had attempted to stop three males who had fled into 126 W. 27th Street. According to Lt. Manicsic, Officer Sayers told him that he was confronted by an unknown female, later identified as Mary Hildreth, who had claimed to be the mother of one of the juveniles and refused to provide the identity of the other two juveniles. According to Lt. Manicsic, Officer Sayers was attempting to get advice on how he should handle the call, given Hildreth was being uncooperative and was hindering his investigation. Lt. Manicsic stated that he had instructed Officer Sayers to try to obtain Hildreth's information, while he contacted the Lorain City Prosecutor's Office for advice.

⁹ The following is a summary of the interview. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties were electronically recorded and the recordings capture the actual words spoken.



Lt. Manicsic reported that the Prosecutor said to issue Hildreth a summons for Obstructing Official Business and not to arrest her at that point and time.

Lt. Manicsic said when he arrived on the scene, he observed that Sgt. Vrooman was speaking with Hildreth at the front door of the residence. Lt. Manicsic said he was briefed by Officer Sayers and Special Agent Fabrizio, who informed him that they had figured out who Hildreth was by the partial information she had provided and the additional research that they had conducted. He also reported that Hildreth refused to provide the identity of the other two juveniles, even though she claimed that one of the juveniles was her nephew.

According to Lt. Manicsic, while Officer Sayers was completing the summons, Hildreth's husband, Joseph Hildreth, arrived on scene and started quoting a federal law that officers must identify themselves by providing name and badge number. Lt. Manicsic said he was not familiar with what he was talking about and asked him to provide him with additional information. Lt. Manicsic reported that Joseph was unable to provide him with that information.

Lt. Manicsic reported that Mary Hildreth stated that she had camera footage of the incident. Lt. Manicsic related that even though Hildreth mentioned having camera footage, she never attempted to show him. Instead, she chose to argue with him. Lt. Manicsic stated he did tell Joseph that they could bring the video to court, particularly if it supported their interpretation of what took place during the incident.

Lt. Manicsic also reported that ultimately Officer Sayers issued Hildreth a summons, instead of taking her to jail. With respect to the three males, they were never positively identified



on the scene, but he undertook further investigative steps to identify the juveniles. Two of the juveniles were identified as **Jordan Barnette** and **Jacob Hall**. The third juvenile is believed to be Terius Campbell; however, his information has not been positively verified at the time of this investigative report.

Lt. Manicsic also reported that after the summons was issued to Hildreth the situation continued to escalate, so he determined in order to de-escalate tensions and end the situation as quickly as possible, he would send the other officers away knowing that they were already linked to the call, but he would stay behind and provide his information instead.

Lt. Manicsic said when he went to provide his information, Mary and Joseph demanded everyone's names and badge numbers. Lt. Manicsic reported that as he was attempting to provide his information, at no point did Mary or Joseph attempt to record his information, instead they became more and more irate. Lt. Manicsic reported that he ended up leaving the scene before things progressed any further.

Lt. Manicsic said he never refused to provide any information to Mary Hildreth, adding his identification number is displayed clearly on his duty vest.

Lt. Manicsic also reported that he reviewed Officer Sayers' police report, and he did not find any false statements, based on his review of the multiple recordings of the incident. Further, Lt. Manicsic said he did not believe that there was any officer misconduct and that the officers acted appropriately.



Lt. Manicsic said he did find the initial contact between Officer Sayers and Mary Hildreth remarkable because he could tell the stress in Officer Sayers' voice and noted that Officer Sayers attempted to "take cover" at the neighbor's house because he was worried about gun fire coming from the house, as he had attempted to stop the individuals he legitimately believed were armed. Lt. Manicsic said it was clear to him that Officer Sayers had a "concern" for his safety.

Lt. Manicsic also noted that Officer Sayers was with him while he investigated the shooting which had taken place at Hildreth's residence back in July.

Lt. Manicsic reported, based on his observations, Mary Hildreth was "irate", and it appeared that she had the "inability to take in new information as it was presented to her." In other words, he said her "emotions were so high, it actually affected her cognitive ability to process the information that was being given to her..." It was also his opinion that Hildreth was "purposely" attempting to shield the juveniles from them, preventing them from taking law enforcement action.

To conclude the interview, Lt. Manicsic reported that any PIT activities conducted in the community are based on crime data and intelligence gathering and adding, "It is never based on race, or class, or anything of that nature."

The interview concluded at 1138 hrs. *Refer to the digital recording for additional information.*



Summary of Interview with Mary Hildreth¹⁰

On March 23, 2023, Mary Hildreth was interviewed regarding this investigation. The interview was conducted in the Officer Charles Deal conference room and was digitally recorded for evidentiary purposes. This was a non-custodial interview. Mary had reached out to OPS on March 10, 2023, and March 13, 2023, to schedule the interview. Also present for the interview was Lt. Morris.



Figure 2: March 23, 2023, interview with Mary Hildreth.

¹⁰ The following is a summary of the interview. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties were electronically recorded and the recordings capture the actual words spoken.



To begin the interview, I explained to Mary the investigative process and explained to her the status of the Department's investigation thus far. Mary was also explained the interview was completely voluntary and that she could terminate the interview at any time. I explained to Mary that it was important to obtain her side of the story and to have it documented in the final report, so the report could describe the chain of events according to her perspective. I also told Mary that since this incident occurred, I'm sure that her family was under a lot of stress, which is not healthy for her or her family.

I asked Mary why she agreed to be interviewed. Mary responded that she knew when she filed a complaint there would be other steps that would be taken. Mary stated that she wanted her voice to be heard, adding, "I obviously was heard on the video, but that is not the right interpretation or the right person that I am. I am a mom first. You know, I have kids... We try to do our best..." Mary also stated that she "wanted to clear the air," explaining that things wouldn't have escalated so quickly if it weren't for the way that Officer Sayers was presenting himself to her. Mary stated that her "feathers were ruffled" because Officer Sayers was "irate" and was "screaming and yelling" at her.

Mary provided some background information and explained that she is a full-time nursing assistant and has been doing that for approximately eight years.

The incident, according to Mary's perspective

Mary explained that it was about 3:30 pm that day and she was on the phone with her mother. Mary said she was upstairs at the time in her room. She was looking out her window and



observed her son and his friends out in the front yard. Mary said her son was with her husband's nephew and their friend.

Mary said she realized that her daughters' bus should have arrived by that point, so she told her son, Jordan (Barnette), to walk down to the bus stop to make sure his sisters got off the bus safely and get back home. Mary said at that point, Jordan and his friends proceeded to walk down to the bus stop.

Mary said some time had passed at which point she looked out the window again and saw the boys walking through the alley. Mary claimed they were not doing anything wrong and said they "were casually walking" adding, "There were no weird vibes..."

Mary reported that the boys came out of the alley and crossed over the street. Mary explained that when they crossed, they started walking along the side of the street back towards her house. Mary said her son told her through the window that his sisters had not arrived home yet, and he was cold (he was wearing a t-shirt) and that he had to use the bathroom.

According to Mary, as the boys were approaching the residence, she observed a car come "flying up" into the driveway. Mary stated by that time, she was already downstairs and was standing in the doorway when the two officers got out of their car.

Mary said the officers acted like they were "full of adrenaline" and "ready to run." Mary said she asked the officers what was going on, at which point, Officer Sayers said, "Send those



guys out here.” Mary said she asked again what was going on and informed the officers that the “guys” were minors, and she was the “mom.”

Mary related that Officer Sayers appeared “antsy” and was “pacing back and forth.” She said Officer Sayers “started getting loud” with her and was, “yelling send them out here...”

Mary stated Officer Sayers told her the boys had jaywalked, causing Mary to question in her mind where they had jaywalked at. Mary said she had been watching the boys come back to the residence and couldn’t understand what was going on, adding that she was “really confused.”

According to Mary, while Officer Sayers was yelling at her, she told him that he wasn’t going to speak to her like that. Mary said Officer Sayers responded by stating that he was going to arrest her for “obstruction.” At that point, Mary said she got off the phone with her mother and called her husband. Mary said she told her husband that the police had “rolled up” on the boys and they were talking about arresting her and getting a search warrant.

Mary said due to the interaction with Officer Sayers and the way he was acting, she “was not going to send them out there.” Mary also added that her son also told her that he “wasn’t going out there.”

Mary reported that while she was on the phone with her husband, he had told her that he was on his way and told Mary to ask the officers for their supervisor. According to Mary, she specifically asked for Sgt. Jamie Ball, because he had helped her out previously with an issue she was having with a neighbor.



Mary reported at that point in the encounter, Officer Sayers told her that if she provided her son's name, they would leave. Mary said she responded, "Jordan... Jordan Barnette...10-4-06.... Do you want his damn birth certificate? Like you don't believe what I'm telling you..." Mary said Officer Sayers responded by then asking her name, adding that they would "get off the property..." Mary said she responded by identifying herself as, "Mary Hildreth." Mary also stated that Officer Sayers did not need her birth date because he "could clearly look it up..."

I asked Mary if she would agree with the fact that the officers wanted to positively identify the boys, so they could get sufficient information to complete a citation. Mary stated that her son, "is the minor and he's not coming out." Mary continued, "I feel like the way they acted they were too built up on adrenaline and they just wanted one purpose. I felt like it was to get my son outside, cuff him, and make an example of him..."

Mary also claimed that her son "does not have a criminal record."¹¹ Mary said, "My son has been in no type of trouble and the way they approached...and the way they were so aggressive, and the way they were all full force running and wanted to do some tackle move... [I told myself] No, we're not doing that!" Mary said she was "protecting them [the boys]" and added, "I'm not sending my son outside..." **Mary's statement is inaccurate and not consistent with the evidence derived from this investigation. Mary's son does in fact have a criminal record, according to Lorain County Juvenile Court records.**

¹¹ As noted, this is an inaccurate statement. See investigative analysis for additional information.



I asked Mary if she told the boys to stay inside as the officers were approaching them. Mary said that because the way the officers were acting, she specifically told her son that he was not going out there. Mary said, “Like absolutely not...Like this is not what we are doing. Like and this is not what they [the police] are going to do...” Mary added, as the officers were approaching and the boys were coming in the door, she specifically told her son, “Get the fuck in here and sit down, you’re not going outside!”

I asked Mary if Officer Sayers ever gave her his information [10:02:59 mark]. Mary responded, “No. Absolutely did not...He did not.”¹² I asked Mary how she figured it out that she had a complaint against Officer Sayers. Mary responded that she figured it out from the police report. Mary also added that at the end of the encounter when Sergeant Vrooman and Lieutenant Manicsic arrived, they also did not provide their information when they were asked. I again asked Mary if Officer Sayers refused to provide his information. Mary responded, “Sure did.” Mary added, “He didn’t give it to me...” I asked Mary if it was possible if she did not hear Officer Sayers provide his name and badge number. Mary responded, “No, because I got cameras...”¹³ **Mary’s statement is inaccurate and not consistent with the evidence derived from this investigation. The Body Camera Footage (BWC) of the incident clearly shows Officer Sayers immediately provided his name and employee number, when she asked him.**

¹² Officer Sayers’ Body Worn Camera footage contradicts this statement.

¹³ As noted, this is an inaccurate statement. See investigative analysis for additional information.



Mary also informed me that her husband is calmer than she is because she struggles with anxiety. She also said that he is a lot more knowledgeable on how to handle stressful situations. Mary explained that her defense guard goes up when she is mistreated, and added she was trying to be calm and respectful to Officer Sayers, but she was not getting any respect in return.

Mary reported that she believed the obstructing official business charge was in “retaliation” for not allowing the officers to get to the other boys in the house. I asked Mary if it was her intent to obstruct Officer Sayers, or if it was a spur of the moment thing? Mary responded, “It was never nothing like that...I just felt...like I said the way they approached and then it was this jaywalking, I was like, ok, ‘What did he do?’ Alright, so he jaywalked. Here’s his name. This is his birthdate. Like write him the ticket if this was the case...I’m not going to send him out there to make an example of a simple jaywalking, cuff him up, and put him in the car and take him to the DH for something so simple and minor...” I explained to Mary that the DH would not accept a juvenile for a simple traffic violation. Mary responded, “That’s why I was not going to allow my son out that front door.”

Mary also claimed that she attempted to de-escalate the situation, and said, in hindsight, she should have not “entertained Officer Sayers” and just closed the door and made him seek a search warrant. Mary claimed Officer Sayers “could not control himself” and argued that Officer Sayers was attempting to embellish the actions of the three juveniles and lied in his report.



I asked Mary if she had any regret about the situation. Mary stated, “Ya. I did...I should have just stayed quiet because...I didn’t expect nor want things to be this blown out of proportion, or to be I’m like this person on social media. That’s not the person I am...”

Mary said when Officer Sayers started screaming at her, she should have just said, “Have a good day! If you have to get a warrant, you are more than welcomed to, I am closing my door. I have nothing further to say to you...” Mary said she felt like she was arguing with her kids.

I pointed out to Mary that she alleged that the boys were “racially profiled” or that the officers had engaged in biased-based policing. I asked Mary why she made that claim and asked what evidence she had to support those allegations. Mary responded it was because the officers said the males were wearing “hoodies.” Mary said her son never had a hoodie on; he had a t-shirt on. She added that her son was “walking his normal way.” Mary said there is a video of her son in the front yard before this incident laughing and lifting his shirt. Mary also said that her son is Black and has dreadlocks. She believed that the officers were “judging a book by its cover” and the officers believed that they “had something” because of the way the boys looked, and that’s why they intended to stop them.

When Lt. Morris asked Mary if she witnessed or observed anything that would prove that the officers engaged in racial profiling, **Mary admitted that she did not witness any biased-based policing “directly”** [11:36:43 mark]. Mary said, in her opinion, it was the way Officer Sayers spoke to her, and his demeanor, which made her question his character. She said Officer



Sayers should be held accountable for the way he acted, adding “every action does not deserve a reaction...”

Mary also questioned why the officers did not stop the kids where they were at when the officers initially observed them. She asked why they drove around the block. Mary also believed that the jaywalking was an “excuse” to search them.

I asked Mary if everything she told me during the interview was the truth; Mary responded, “Absolutely, without a doubt. One hundred percent.” I also asked Mary if she had any complaints about the way she was treated during the interview. Mary shook her head and responded, “No” and thanked me for listening to her.

To end the interview, I obtained additional background information for the report. One of the background questions that I asked Mary was where her son Jordan attended school. Mary responded, “Jordan...goes to Life Skills in Elyria... I don’t do the High School [in Lorain].”¹⁴ She also advised he was in the 10-11th Grade, explaining Life Skills did not have traditional grades. Mary added he had “tested out” on a couple of subjects while attending that school. **Mary’s statement is inaccurate and not consistent with the evidence derived from this investigation.**

I also explained to Mary how the complaint process was expected to proceed from there. I explained to her that I would send her a letter letting her know the findings of the investigation

¹⁴ This is an inaccurate statement. See investigative analysis for additional information.



and the investigative report could be obtained through a public records request. I thanked Mary for coming in to speak with me to better understand her complaint and her concerns.

The interview ended at approximately 1100 hrs.



Summary of Interview with Joseph Hildreth¹⁵

On March 23, 2023, at approximately 12:20 hrs., Joseph Hildreth was interviewed regarding this investigation. The interview was conducted in the Officer Charles Deal conference room and was digitally recorded for evidentiary purposes. This was a non-custodial interview.

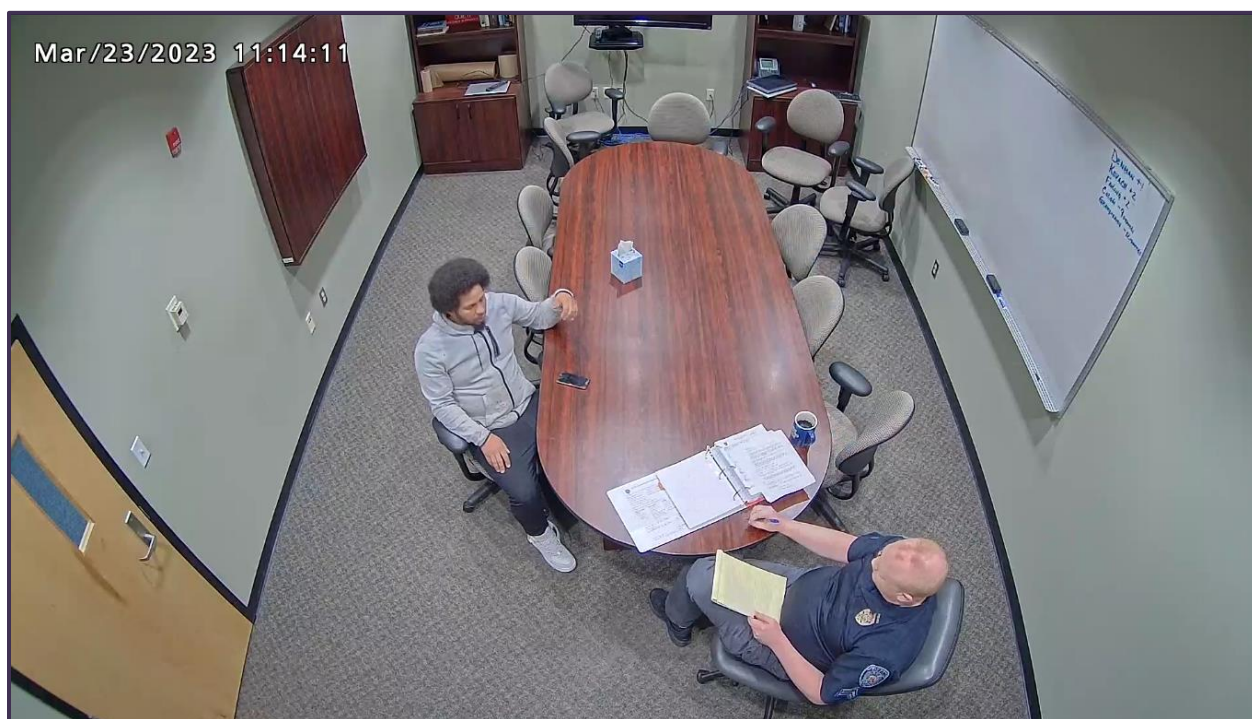


Figure 3: Interview with Joseph Hildreth on March 23, 2023.

¹⁵ The following is a summary of the interview. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties were electronically recorded and the recordings capture the actual words spoken.



Joseph reported on February 15, 2023, he was at work when his wife called him and told him that the police were at the house. Joseph said he left work and arrived home near the end of the encounter with the Lorain Police Officers.

Joseph also related that he has reviewed the numerous videos of the incident, which he has stored on his cell phone. Joseph said he has his son on video telling his mother through the window that his sibling's bus was late and that he had to use the restroom. Joseph also said he has video of his son, his nephew (Terius Campbell), and Jacob (Hall), in the front yard playing until they walked down to the corner to the bus stop. According to Joseph, his son said that the bus was taking too long, and he had to use the restroom, so he came back to the house. Joseph also said the boys were already up the stairs when the police pulled up.

Joseph alleged that Officer Sayers "lied on the police report." He also contended that the officers were disrespectful and did not want to give their names and badge numbers. With regard to his first allegation, Joseph said his wife gave Officer Sayers the boys' information and her information when Officer Sayers asked her, adding that he was on the phone with her at the time. According to Joseph, Mary didn't have to give Officer Sayers her name, in his opinion.

Joseph also said he had an issue with the Department putting his address out in the public domain because now he and his family were getting "hate mail" and "threats." Joseph said he does



not let his kids check the mail anymore and they “don’t go outside.”¹⁶ He also related that he has added extra cameras to his house, and he is not getting any sleep. Joseph also alleged that the department was trying to “cover-up” for the officers.” It should be noted, Joseph did not elaborate on how the Department was attempting to “cover-up” the incident, besides claiming that the officers were “wrong.” He offered no tangible evidence to support his assertion, besides offering his opinion that the officers did not act properly. Joseph also contended that if the officers believed that the three were acting suspicious at the corner, he said, “They should have stopped them there.”

¹⁶ This statement is inaccurate and not consistent with the evidence derived from this investigation. His son was not “staying inside” the house, as Joseph alleged. For example, on March 22, 2023, Officers responded to E. 34th Street in regards to an assault complaint. The complainant reported that his son had been assaulted by Larry Crooks III. Crooks was reportedly a drug dealer, was observed carrying weapons, and reportedly had robbed several neighbors last week. A short time later, the Patrol Impact Team located Anthony Cordova and Larry Crooks III in the area of E. 32nd Street and Clifton Avenue. Upon making contact with the pair, the males fled from the officers and a foot pursuit ensued. A perimeter was established, and Cordova was apprehended; Crooks was unable to be located. While officers checked the area with a police K-9, a loaded .45 caliber magazine was located in the path of Crooks’ flight. Interestingly, **Jordan Barnette** and **Terius Campbell** were observed by the officers walking with Cordova after the incident. Cordova had been taken back home and given a summons after he was apprehended. Crooks is still outstanding at the time of this report and the incident is under investigation by the Department. **See Report #2023-9614 for additional information.**

Additionally, in his interview, Joseph claimed that his nephew, Terius Campbell, had went back to Kentucky [12:43 mark]. This statement also appears to be inaccurate, as Campbell was observed by the PIT unit on March 22, 2023, as noted above.



I asked Joseph to explain what happened when he arrived home and encountered the police at his residence. According to Joseph, he went up to Lt. Manicsic, who informed him that the boys had ran into the house and the officers wanted to talk to them about “jaywalking.” Joseph said he responded by asking why there was an ATF agent there. Joseph also said he told Lt. Manicsic that the camera footage did not show the boys running into the house. According to Joseph, Lt. Manicsic told them that he would have to deal with that issue in court.

Joseph also stated he had a brief discussion with Lt. Manicsic about the fact that he and his wife didn’t have to allow them to talk to the boys because they were minors. According to Joseph, Lt. Manicsic agreed with him.

Joseph also showed me cell phone video of Sgt. Vrooman that was recorded by one of his daughters. According to Joseph, the video showed that his daughters’ bus was late that day. He said the video also demonstrated that Sgt. Vrooman never gave his name and badge number when he was asked for it. Joseph explained that Sgt. Vrooman basically asked Mary why was it that she was demanding Officer Sayers’ information, if she was refusing to provide her information.

Joseph continued to allege that Officer Sayers lied in his police report because he wrote that Mary refused to give him the juveniles’ names; Joseph contended that she did provide the names when asked.

Joseph also stated that he did not understand why Mary had an obstructing charge if he never sought a search warrant. Joseph said, thus far, no one has been able to explain that to him.



Joseph also stated that he did not understand why Mary was threatened by the officers and why they did not leave their property after they were told to leave.

At that point, Joseph and I talked about releasing the video of the encounter on the internet. I asked Joseph what the point was posting the video on social media.¹⁷ Joseph stated that the point of releasing the video was, “Because of all the stuff that they did wrong that day. And then the Sergeant and the Lieutenant didn’t correct them...”

Joseph also said he did not understand, if his wife provided the officers with the juveniles’ names, why they did not write them tickets. I pointed out to Joseph that Mary never provided Officer Sayers Jacob’s and Terius’ full name and information for them to complete the citation. Joseph responded by stating that Officer Sayers also never asked for the other boys’ parents to be there so they could have been identified. Nevertheless, Joseph contended that the Police Department, “Didn’t want to do the right thing” so he felt “obligated to put it out” and to “promote it.”

¹⁷ According to academic research, social media encourages the spread of misinformation. Social media users frequently collect in echo chambers, which are generally figurative, but sometimes literal places where similarities among people greatly outnumber differences. Echo chambers allow misinformation to flourish because users are less likely to fact-check a post by someone with whom they identify and want to agree. People who post controversial events on social media, often experience negative effects, to include being the victim of cyberbullying, flaming, trolling, and doxing. Hildreth has reported he and his family have been victims to on-going harassment and threats.



Joseph also alleged that the officers “profiled” the three boys. Joseph stated, “You know it’s a bad neighborhood and you see these three boys...It don’t matter.... it doesn’t matter what they [are] wearing...It don’t matter how they [are] acting. If you don’t see them with a gun, don’t say they got a gun.” Joseph denied that the boys had a gun.

I told Joseph that there appeared to be some misunderstanding about police officers having to identify themselves. I told Joseph that Mary stated in the video that, “By law” officers must identify themselves. Joseph responded, “We did have it wrong. It wasn’t a law. It’s a policy. And the reason we asked for the badge numbers was because we knew that they were doing stuff that was wrong. And when they didn’t want to give us their badge numbers...Like I said, we thought it was against the law, but obviously it’s not. But it does go against policy. So that was our thing...”

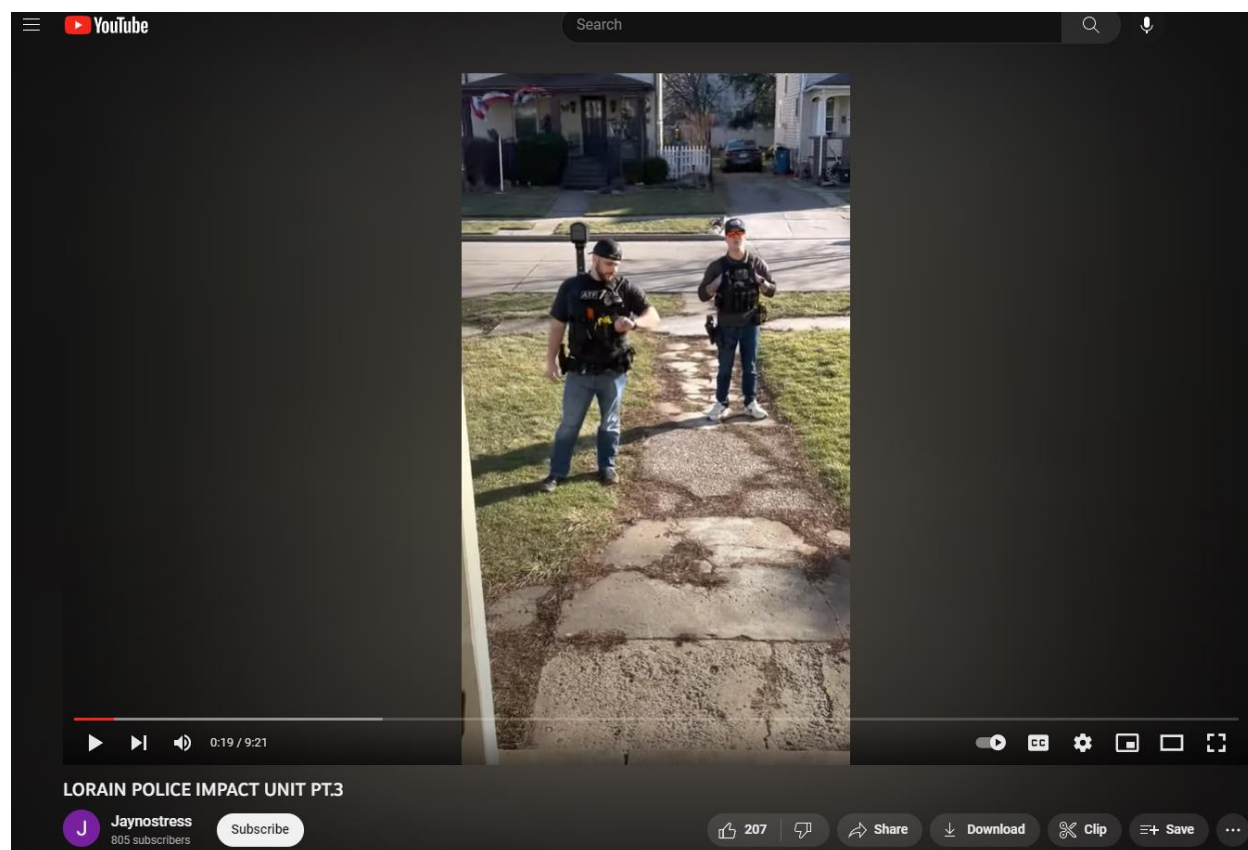
Joseph contended that the officers still had to identify themselves. I asked Joseph if he was asserting that Officer Sayers never identified himself. Joseph responded, “I watched the video a lot. I didn’t hear him say his badge number or name, but he did... when she asked him at the end...about his badge number and his stuff, he was like it’s at the bottom of the ticket and he walked away...I really don’t think he gave her his badge number. If he did, it might have been off...not on this camera. It might of have been off the other camera...”

Joseph said ultimately, he is upset because the police “racially profiled” his son, they lied in the police report, and they charged his wife. Joseph also denied that his son ever had a gun that day, adding, “They don’t know that for sure.” Joseph also stated, once the boys were in the house the officers should have gotten a warrant and then left his property. Instead, Joseph said the officers



threatened to arrest his wife and disrespected her. Joseph also stated since his wife gave Officer Sayers “the business” he “got mad and gave her that ticket. And the sergeant let him do it, and the lieutenant let him do it...”

I asked Joseph if he was willing to provide the Department with the videos that he had in his possession that the Department did not have. Joseph said he would e-mail the video. On March 24, 2023, I received the following link from Joseph containing cell phone video that was posted to YouTube: [\(66\) LORAIN POLICE IMPACT UNIT PT.3 - YouTube](#)



The interview with Joseph concluded at approximately 1307 hrs.



Investigative Analysis

Investigations by the Lorain Police Department's Office of Professional Standards are generally directed at the determination of whether an officer's behavior and decisions were "objectively reasonable under the totality of the circumstances confronting the officer." Administrative investigations are aimed at determining whether the officer or anyone else broke the law, the officer acted within or without Department policy, and/or whether the need exists for the Department to alter Department policies or procedure, or to provide more, better or different training to its officers. The outcome of an administrative investigation, of course, carries with it the potential exposure for the involved officer to disciplinary action and/or termination of employment if evidence of misconduct is found. Administrators, courts, media, and the public who weigh an officer's decisions and actions, sometimes long after the incident and after the dust has settled, will often base their judgements on human emotion, misunderstandings of law and police procedure, and unrealistic notions of human response that have little foundation in the realm of human behavior or in the science of human performance under stress. OPS's responsibility in this investigation is to be an objective fact gatherer whose goal is to collect and report as complete a factual account of the incident as possible and determine if any Lorain Police Officer committed any violation of policy or procedure. In that spirit, OPS will present the below analysis on this incident involving Mary Hildreth.

The Lorain Police Department strives to have positive interactions with the community, especially when enforcing laws and addressing the City's violent crime problem. Oneway officers



enforce laws and address the City's violent crime problem is through traffic and *Terry* stops. In this case, Officer Sayers had essentially three reasons to stop the three males which he and Agent Fabrizio had observed at the corner of W. 27th Street and Reid Avenue.

The first reason was Officer Sayers intended to conduct a *Terry* Stop. A *Terry* stop is a limited exception to the Fourth Amendment's prohibitions against searches and seizures without probable cause. The U.S. Supreme Court has held that the police may make a limited stop of a person if they have a "reasonable, articulable suspicion" that a person has committed or is about to commit a crime [*State v. Waller* (June 27, 1997), 2nd Dist. No. 16101, 1997 Ohio App. Lexis 3569]. Officer Sayers reported that his attention was initially drawn towards the three males because it was an unusually warm and sunny day, yet two of the males wore hooded sweatshirts, with their hoods up. Officer Sayers also testified that the males were scanning their surroundings while they were at the street corner. According to Officer Sayers, while he was observing the males their bodies would twist as they scanned their surroundings. It also appeared to him that they were concealing something in their waistbands. Though these facts alone may have not been suspicious, in combination, they furthered Officer Sayers' suspicion that a crime had been



committed, was being committed, or was about to be committed, as Officer Sayers believed that the three males were armed with an illegal concealed weapon.^{18,19}

When it comes to a *Terry* stop, the courts examine whether an investigative stop is reasonable, and that judgement comes from looking at the totality of the circumstances considered by a reasonable and prudent police officer at the scene [*State v. Freeman* (1980), 64 Ohio St.2d 291, 414 N.E.2d 1044; *State v. Andrews* (1991), 57 Ohio St.3d 86, 565 N.E. 2d 1271; *U.S. v. Hall* (C.A. D.C., 1976), 174 U.S. App. D.C. 13, 525 F. 2d 857; *State v. Waller*, 2nd Dist. No. 16101, 1997 Ohio App. LEXIS 3569].

Officer Sayers reported they circled the block, and as they turned back onto W. 27th Street, he observed that the males had left the street corner and started to cross the street without using the crosswalk. The trio then proceeded to walk eastbound in the street. The Courts have held that a police officer may conduct a constitutionally valid traffic stop when there is a reasonable suspicion that the individual violated a traffic law; the stopping of an individual for a misdemeanor

¹⁸ In developing the basis of criminal activity, the officer may use factors and although each of these factors alone is susceptible to innocent explanation, and some factors are more probative than others, taken together, they suffice to form a particularized and objective basis for a detention. *United States v. Arvizu*, 151 L Ed 2d 740 (2002).

¹⁹ When used by trained law enforcement officers, objective facts, meaningless to the untrained, allow for permissible deductions from such facts to afford a legitimate basis for suspicion of a particular person and action on that suspicion. *United States v. Cortez*, 449 U.S. 441 (1981).



traffic offense is analogous to the *Terry* stop.²⁰ According to Lorain Codified Ordinance 371.05 (Walking Along Highways), “Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway... Whoever violates this section is guilty of a minor misdemeanor...” Similarly, Officer Sayers reported that the males had failed to use the crosswalk when they crossed the street.²¹ In simple layman’s terms, jaywalking is the act of crossing a roadway when it is unlawful to do so. In most jurisdictions, jaywalking is a low-level offense that has legal consequences, though exact pedestrian traffic laws vary by state. The purpose of jaywalking laws is not only to protect pedestrians, but drivers and other people in the areas as well. Jaywalking often disrupts the regular flow of traffic, which may lead to accidents that cause property damage, injuries, and death. The City of Lorain has experienced its fair share of pedestrian crashes, some which have been fatal.²²

Jaywalking and walking in the roadway may not seem like a major issue to most people; however, the sheer number of accidents and injuries that occur from pedestrian incidents speaks

²⁰ The courts have also held that is not a violation of the Fourth Amendment for an officer who performs a *Terry* stop on a pedestrian suspected of engaging in criminal activity to obtain that individual’s identity and perform a warrants check. Permitting a warrants check during a *Terry* stop on the street also promotes the strong government interest in solving crimes and brining offenders to justice. *United States v. Villagrana-Flores*, 467 F.3d 1969 (10th Cir. 2006).

²¹ Lorain Codified Ordinance 371.03; Crossing Roadway Outside Crosswalk; Diagonal Crossing at Intersections.

²² A pedestrian was killed on January 19, 2023, while illegally crossing (jaywalking) the roadway on E. 28th Street in the City of Lorain. *See Report #2023-2284*.



for itself. Pedestrian accidents account for so many injuries and deaths in the United States, that the Center for Disease Control (“CDC”) offers tips for pedestrian safety. The National Highway Traffic Safety Administration (“NHTSA”) provides jaywalking statistics, as well as other traffic and pedestrian-related information and safety tips. According to the NHTSA, while many traffic incidents are resulting in fewer fatalities, the number of fatalities in pedestrian accidents actually increased. According to the NHTSA, “...crossing a roadway illegally is the case of a great many traffic incidents, accidents, injuries, and deaths...” Moreover, jaywalking is a serious problem, one which impacts both drivers and pedestrians. The National Safety Council has recently published the following jaywalking statistics:

- ✚ More than 6,000 pedestrian accidents each year are caused by jaywalking, rather than by driver error.
- ✚ Over a 30-year period, approximately 180,000 pedestrians have been injured or killed in jaywalking accidents in the U.S.
- ✚ Every 11 minutes or so, a pedestrian is killed due to jaywalking.

Nevertheless, Officer Sayers reported that he had observed the three males leave the street corner and start walking in the roadway. The legal standard courts use in determining the validity of a traffic (pedestrian) violation for the purposes of the Fourth Amendment protections is “probable cause.” Probable cause is established to arrest or cite a person where the police observe conduct which they reasonably believe violates the law. The issue is whether a reasonable officer confronted with the same facts and circumstances, would arrive at that belief. The officer is not



required to have a particular codified offense or its terms in mind so long as the officer reasonably believes that the conduct observed constitutes a particular form of offense. **Minor traffic violations provide probable cause.**



Figure 4: Google Earth Image of the Street Corner from where the three males were first observed and their subsequent path of travel.

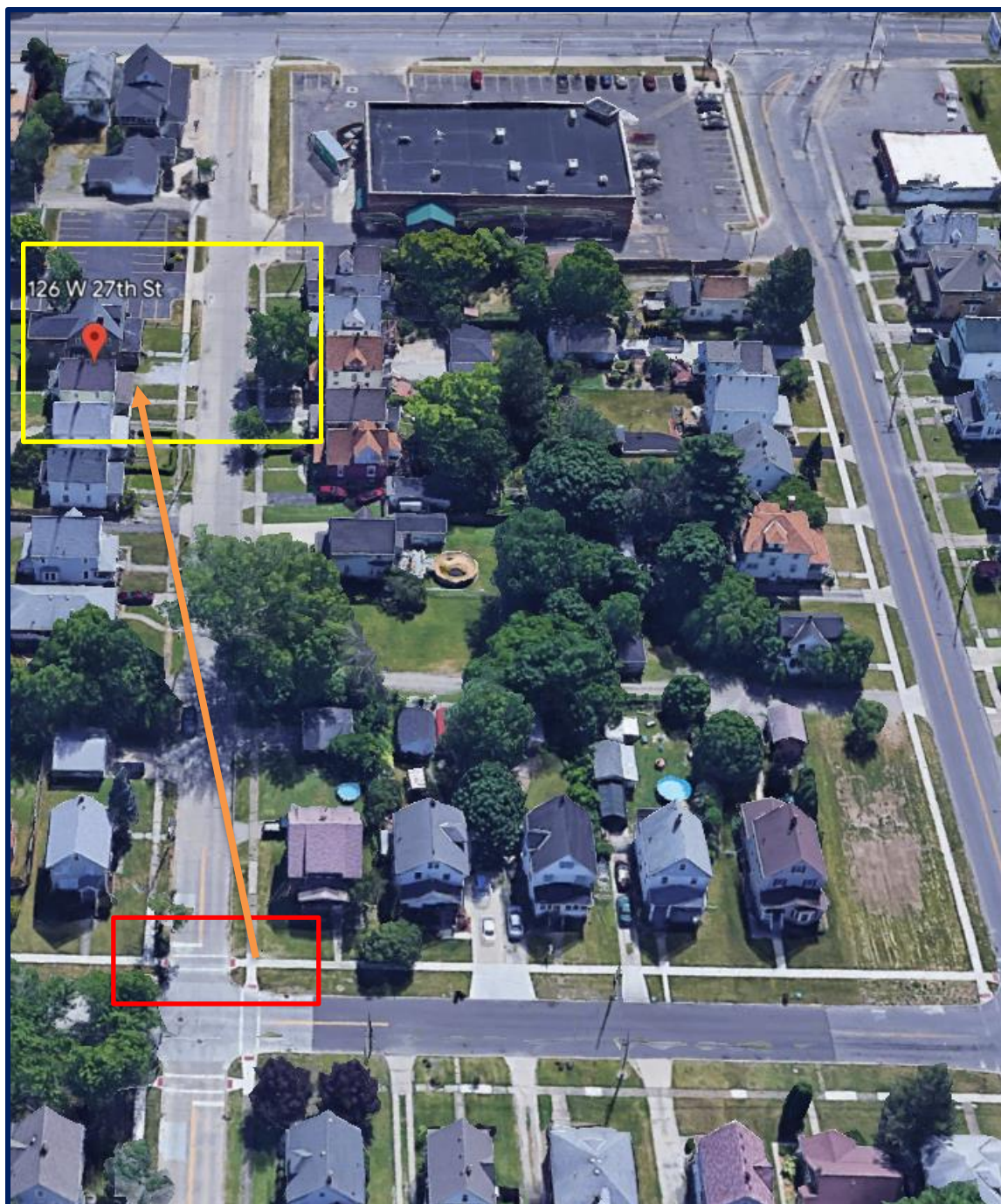


Figure 5: Google Earth Image of Reid Avenue, looking South.



Figure 6: Street Corner where the males were observed standing.



Figure 7: Crosswalk at the intersection of W. 27th Street and Reid Avenue.



Figure 8: The three males are observed in the roadway. Image is from Hildreth's security camera.



Recall Officer Sayer’s intention was to originally conduct a *Terry* stop on the three males. Officer Sayers testified that he believed that the males were illegally carrying concealed weapons. It should be noted, Officer Sayers did not know who the males were or where they lived. He also testified that he was patrolling a high crime area²³, where there has been a large volume of “shots fired” calls.²⁴

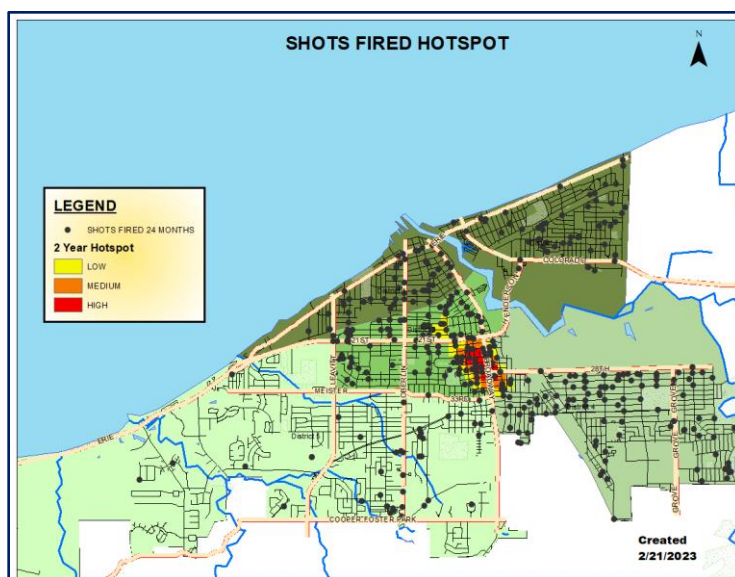


Figure 9: Shots Fired Calls for the City of Lorain in the last 24 months.

²³ *Illinois v. Wardlow*, 98 S. Ct. 1036 (2000). An individual’s presence in a “high crime area,” standing alone, is not enough to support a reasonable suspicion; but when coupled with unprovoked flight, it is enough to arouse an officer’s suspicion. Nervous, evasive behavior is another pertinent factor in determining reasonable suspicion.

²⁴ *United States v. Smith*, No. 09-3856 (6th Circuit) June 28, 2011. Officers responding to an argument had reasonable suspicion to conduct a *Terry* stop and first of defendant under the Fourth Amendment, *inter alia*, it was a high-crime area, defendant abruptly ended the argument upon noticing the officers, he ran upstairs away from the officers, and he made a furtive movement toward his waistband.

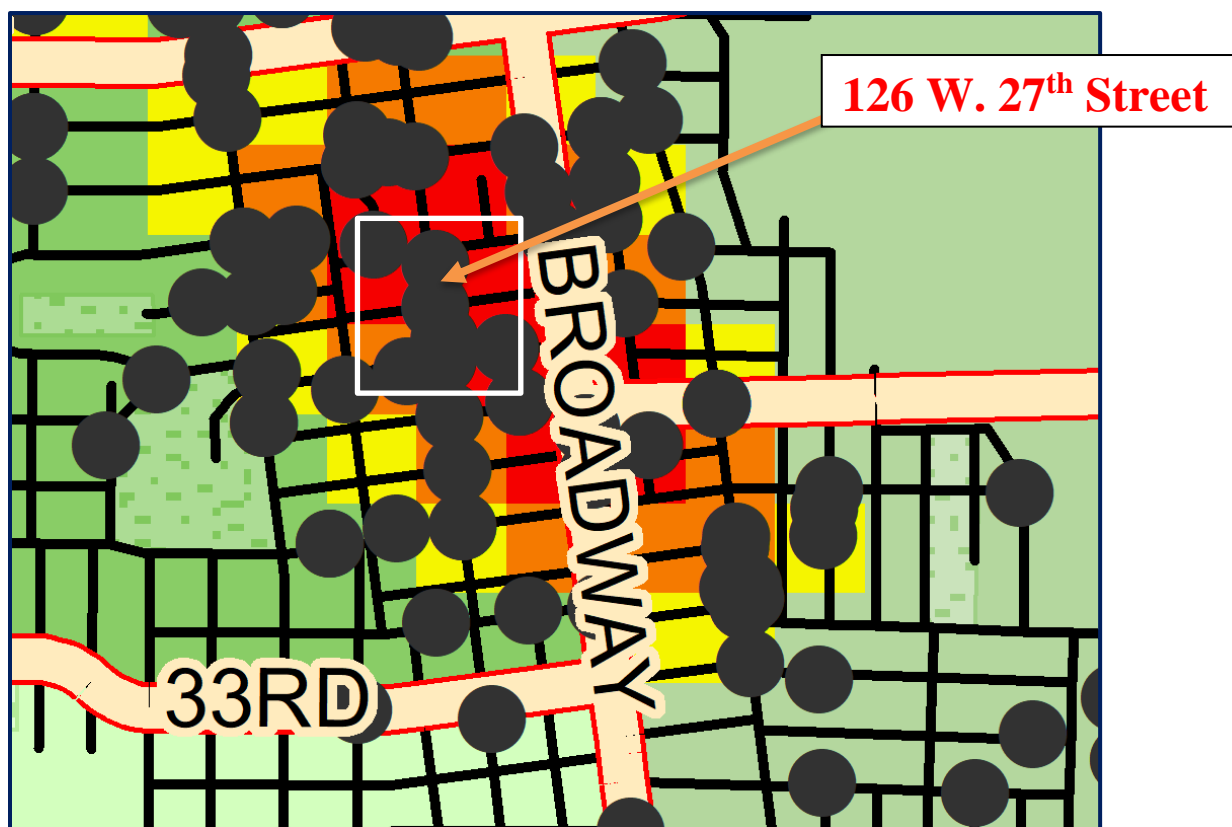


Figure 10: Area of 126 W. 27th Street, according to Lorain Police Department crime mapping data.

Officer Sayers reported that he was familiar with 126 W. 27th Street (Mary Hildreth's residence) because he had assisted in an investigation of a gun battle which had taken place near the residence on July 26, 2022. In that case officers recovered fourteen (14) casings in the backyard of 122 W. 27th Street (a vacant residence). Video evidence from that shooting showed two males running from the backyard of 122 W. 27th Street. The males entered a green Jeep Patriot²⁵ which was in the driveway of 126 W. 27th Street. Once the males entered the vehicle it fled the scene. In that case, J'Andre Brazile was arrested in connection to that incident and charged with Felonious

²⁵ The registration of the vehicle returned to Mary Hildreth.



Assault and Discharge of a firearm on or near prohibited premises. Brazile has a listed address of 126 W. 27th Street and was out on bond at the time of the incident. Brazile is also Hildreth's biological son.



Figure 11: J'Andre Brazile (Booking Photo).



Figure 12: Image of gun battle from July 26, 2022. 126 W. 27th Street is in the upper left-hand corner.



Figure 13; Figure 14; Figure 15: Images of the Activity at 127 W. 27th Street during gun battle.

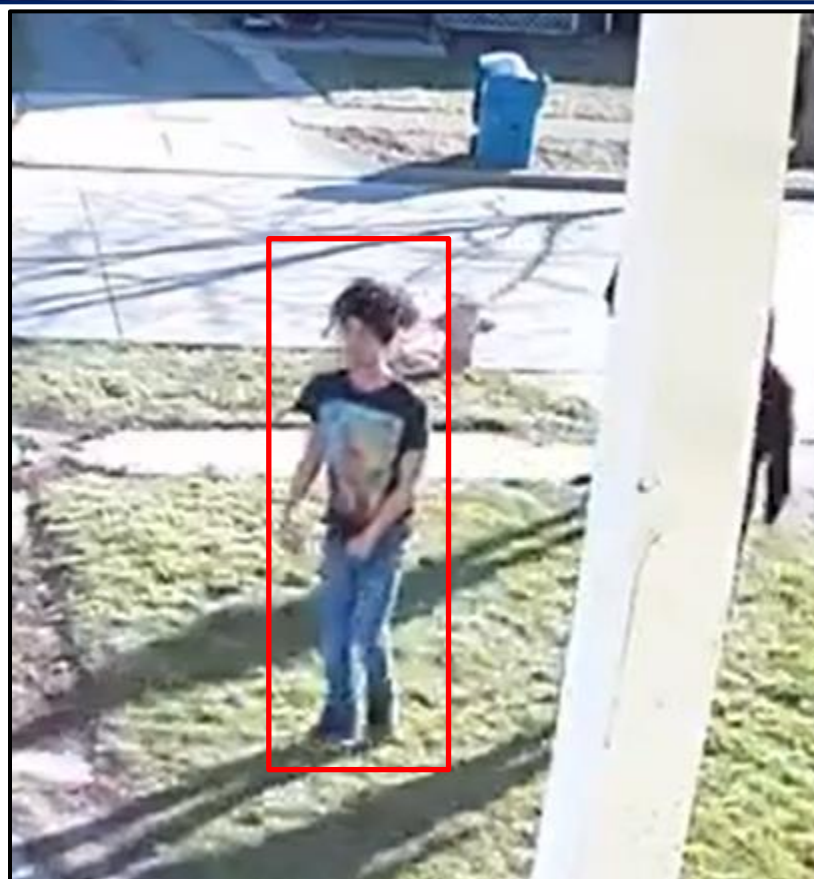


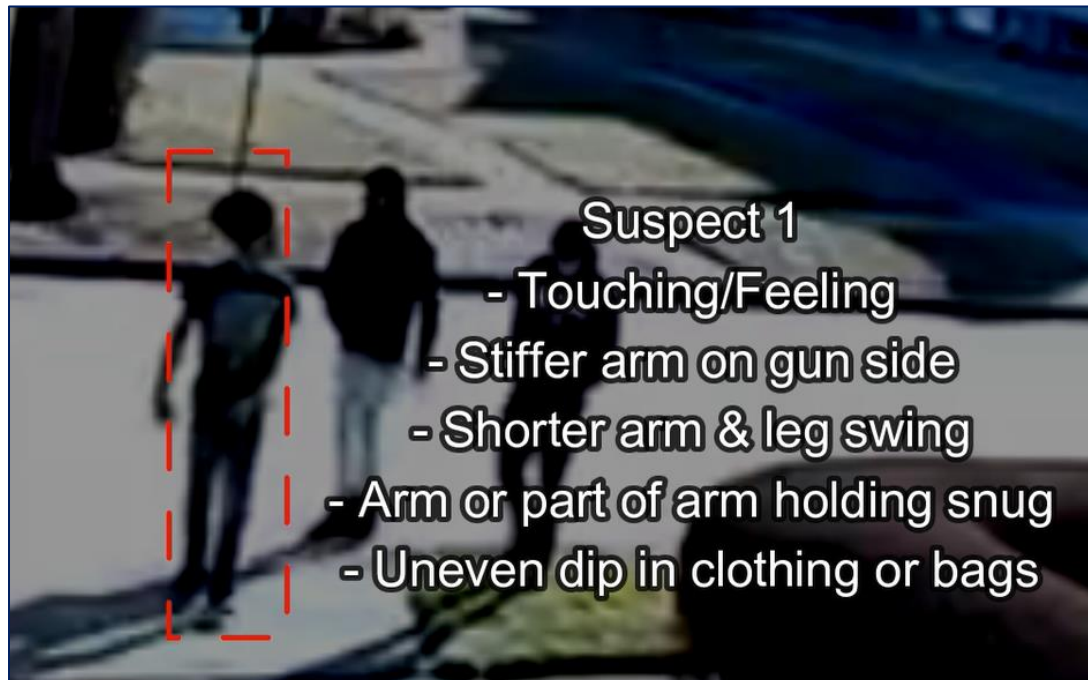
Figure 16 & Figure 17: Hildreth's younger son had been identified as a suspect from the previous shooting. These images depict him on the day of the July shooting vs. the image of him on February 15, 2023.



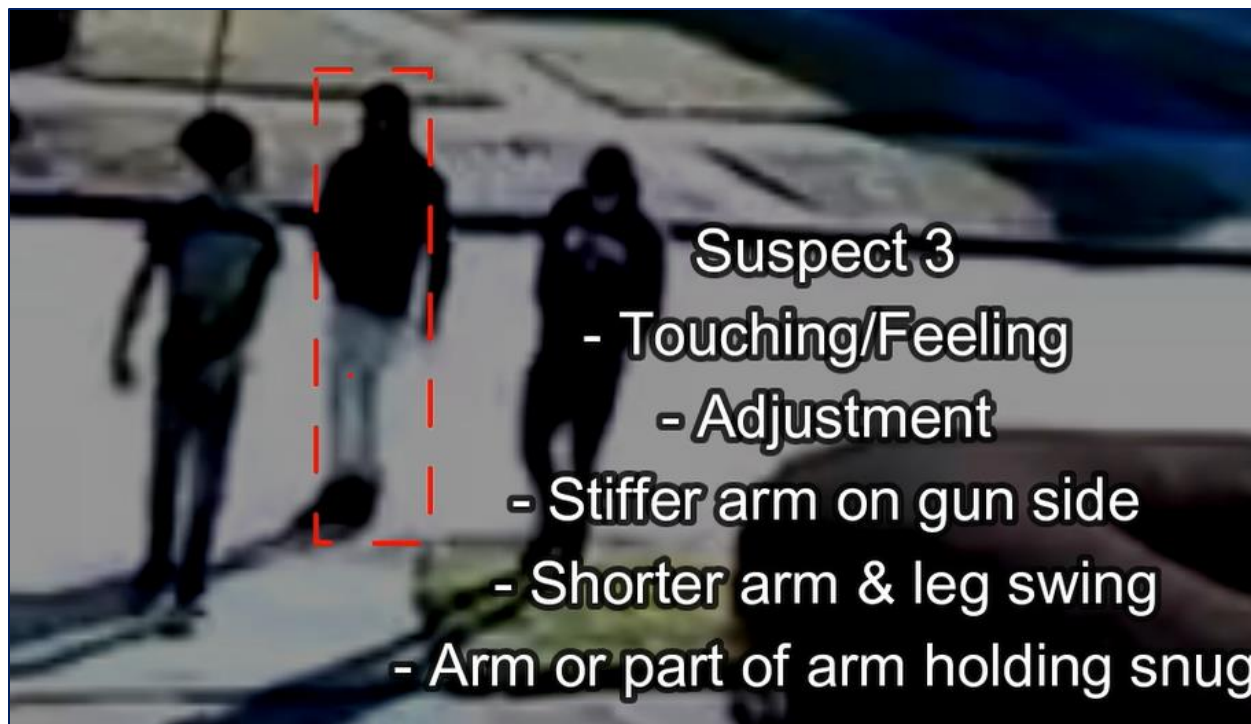
Officer Sayers testified that he and Agent Fabrizio went to stop the three males as they were walking in the roadway; however, as they closed the distance, the males had already made it to the front yard of 126 W. 27th Street. From the video the Hildreths' posted on-line, it showed that when the officers activated their emergency lights, all three males looked at their vehicle. One of the males can be heard on the video saying, **"It's the boys, shit!"** This demonstrates that they recognized the vehicle and the police. One of the males in the video then replied by stating, **"Hurry up man!"** The males then fled into the residence.²⁶ Meanwhile, Officer Sayers and Agent Fabrizio exited their cruiser and instructed the males to "come here." Officer Sayers approached the residence and then took cover by the neighbor's house due to the residence being connected to violent crime and his reasonable belief that the three males who had just entered the residence were armed.²⁷

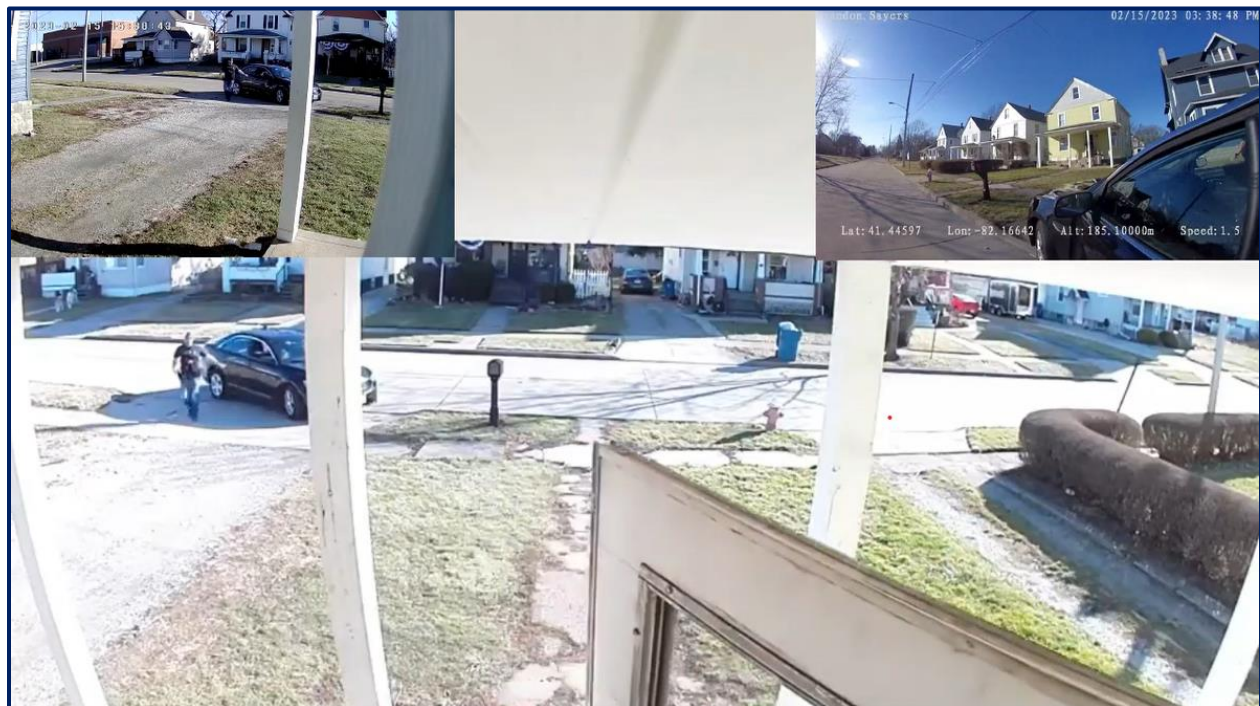
²⁶ A suspect may not avoid an otherwise lawful arrest by fleeing a public place into a private one, despite the Fourth Amendment's protections of a home. The Ohio Supreme Court has determined that any person in Ohio who flees from an arrest may be immediately pursued inside a home without a warrant, no matter the crime that was committed. *Middletown v. Flinchum*, 95 Ohio St.3d 43, 2002-Ohio-1625, 765 N.E.2d 330.

²⁷ *Characteristics of the Armed Individual*. Source material provided by the United States Secret Service (USSS).









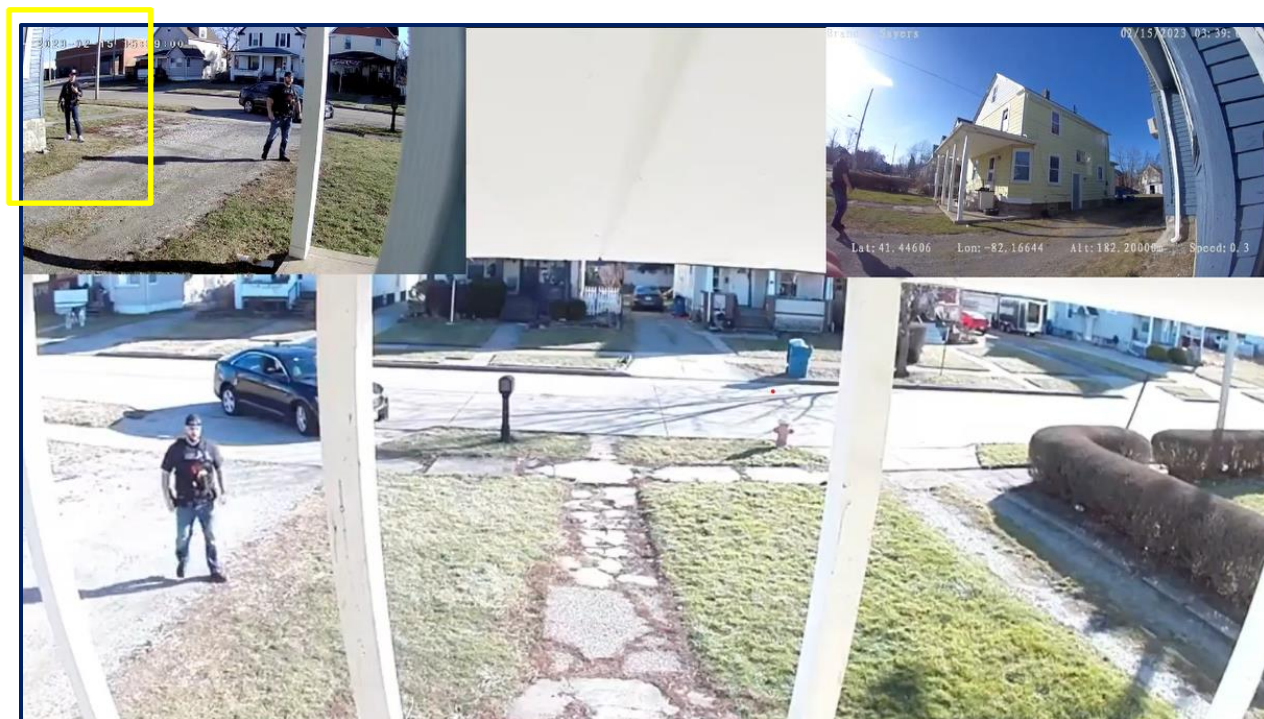


Figure 18: Officer Sayers is shown in the upper left-hand corner taking cover at the next-door residence.

Officer Sayers reported he then encountered Mary Hildreth at the front door of the residence. Agent Fabrizio instructed Hildreth to send the “fellas” outside so he could speak with them “for a second.” Hildreth replied, “What’s wrong?” Agent Fabrizio repeated himself by asking Hildreth to send the three fellas outside, even adding the word, “please.” Hildreth then asked what the problem was. Officer Sayers explained to Hildreth that he needed to talk to them because “they were walking in the middle of the street...” Officer Sayers also added, “Please send them out here!” At that point, Hildreth claimed that she was not arguing with Officer Sayers, while at the same time questioning Officer Sayers’ observations and telling Officer Sayers that, “there was no cross walk over there.” [03:39:37 mark]. **This statement to Officer Sayers is incorrect, as there is clearly a crosswalk as shown above.**

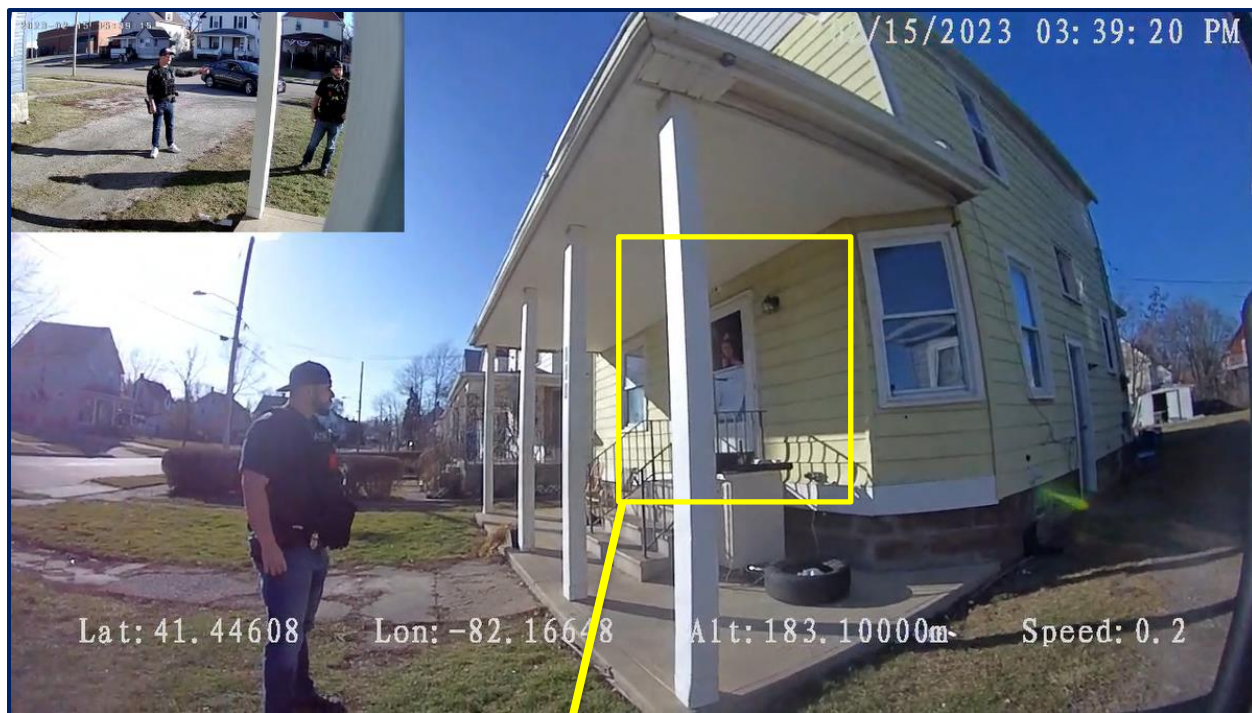


Figure 19: Mary Hildreth is observed on Officer Sayers' Body camera in the front door of the residence.



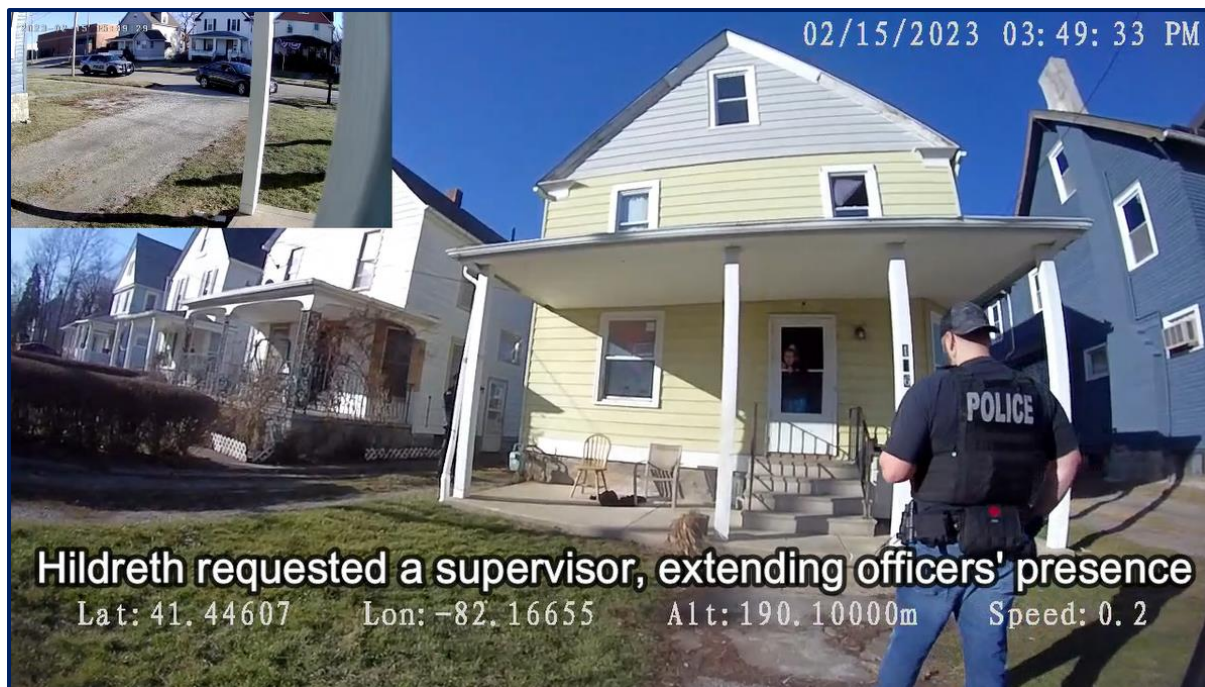
Figure 20: Mary Hildreth (Previous Booking Photo).



While engaging with Hildreth, she told Officer Sayers and Agent Fabrizio that the boys were “minors.” Hildreth then stated that the males had gone to the corner to get her daughters from the bus.²⁸ Officer Fabrizio then asked Hildreth repeatedly if she was going to send them outside; Hildreth did not reply and ultimately never sent the boys outside.

When Hildreth requested a supervisor, Sgt. Vrooman, who was operating a three-officer unit nearby, heard the call over the radio and responded to the scene. When Sgt. Vrooman arrived, he attempted to explain the situation to Hildreth; however, she started to talk over him. Lt. Manicsic arrived on scene a short time later. After being briefed on the situation, Lt. Manicsic instructed Officer Sayers to complete a summons and issue it to Hildreth in lieu of a physical arrest.

²⁸ The males had returned to the residence without being accompanied. According to school records, drop off time for Hildreth’s daughters were scheduled for 3:43 pm. There were no notations on school records that were provided to OPS of the bus being delayed that day.



While Officer Sayers was completing the summons, a male, later identified as Joseph Hildreth, arrived on scene, and began making unfounded legal claims. Meanwhile, Mary Hildreth



Figure 21 Joseph Hildreth (Previous Booking Photo).

was issued her summons and the officers went to leave. Hildreth was the only one charged at the time due to the juveniles never coming to the door to be positively identified.

As the officers began to leave the scene, Joseph Hildreth started to demand all

the officers' names and badge numbers. Due to the situation already proving to be volatile and knowing the officers who responded to Hildreth's residence were all linked to the call through the Department's CAD system, Lt. Manicsic directed



the officers to clear the scene to ensure the situation did not escalate and stayed behind to provide his information. According to the Body-Worn Camera footage, Lt. Manicsic attempted to provide his information multiple times; however, both Mary and Joseph Hildreth ignored this and continued to make their demands. It should be noted again, Officer Sayers had already provided his name and badge number. Lt. Manicsic determined he was not getting anywhere with either Mary or Joseph Hildreth and decided to leave.

As officers were leaving Mary Hildreth continued to yell profanities, to include, “Like I said, Lorain Police is Bullshit! Fucking Bullshit!” and “Fuck the Police! I got cameras I got cameras I record this! I don’t give a fuck! I got rights!”

Meanwhile, a male’s voice can be heard on the security camera recording stating, “**Let me go grab them poles now.**” It should be noted, “**pole**” is slang for a firearm.

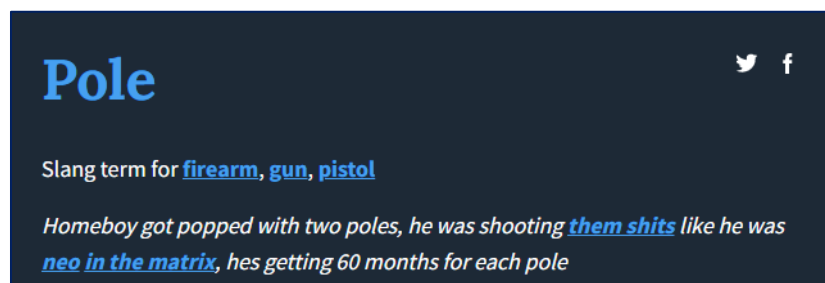
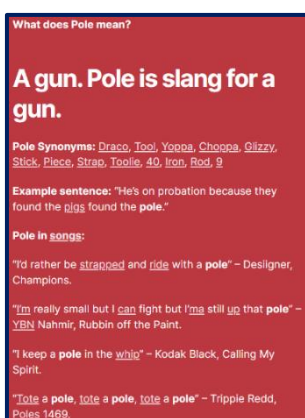
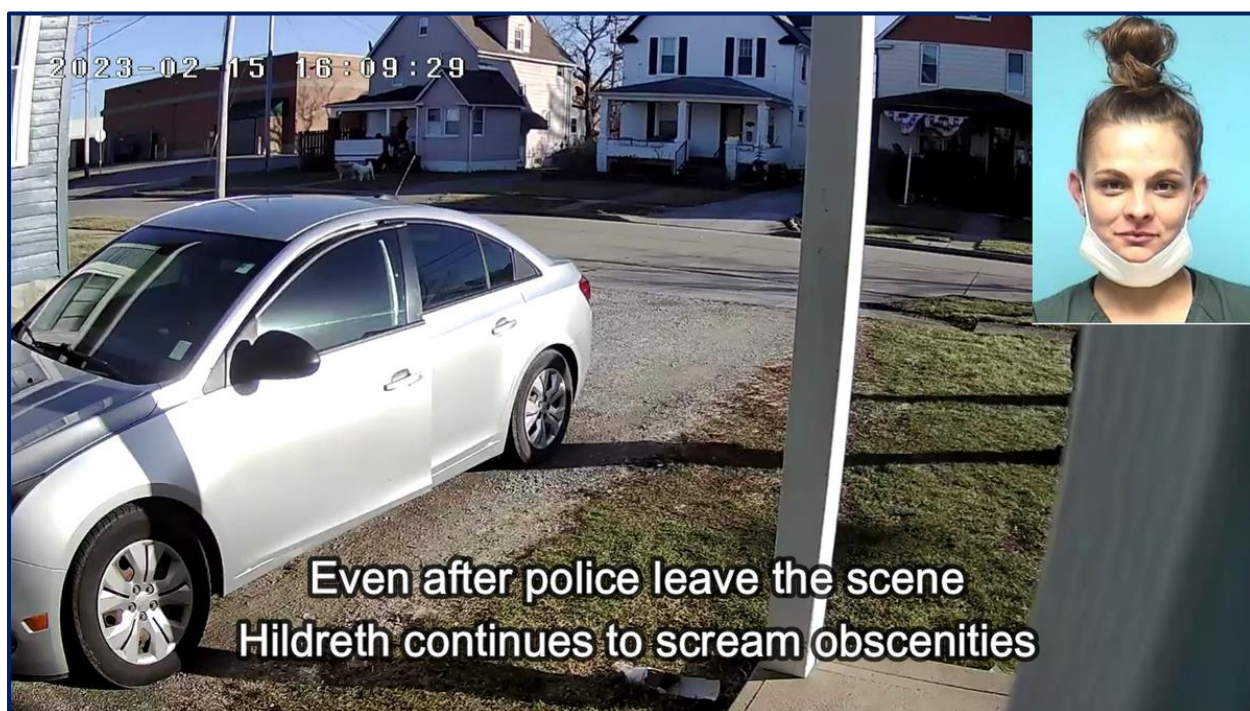


Figure 22 & Figure 23: Pole is a slang for gun (Rap Dictionary & Urban Dictionary)^{29,30}

²⁹ [Urban Dictionary: Pole](#)

³⁰ [Pole - Rap Dictionary](#)





Hildreth's General Claims against Officer Sayers, Sergeant Vrooman and Lieutenant Manicsic

In her complaint to OPS, Hildreth generally claimed there was police misconduct and racial discrimination. Hildreth's complaint then goes on to make several specific allegations, which the veracity of her complaints will be addressed in this section of OPS's investigative report.

Allegation #1 Law Enforcement Contact with Juveniles and Violations of Law

First, Hildreth made an issue of the males Officer Sayers attempted to stop as being "minors." **There is no law that prohibits a police officer from interacting with juveniles, nor is parental presence constitutionally mandated during a police interview of a juvenile suspect.**³¹ Officer Sayers attempted to perform a field investigation in accordance with police procedures, which included obtaining the males' identity in order to cite them with a traffic offense. The juveniles were not "in custody" and were not being "interrogated" which may have precipitated the need for a parent and/or guardian to be present while they were being questioned. Consider this scenario to best illustrate the point: A police officer stops a sixteen-year-old for running a red light. The officer requests the juvenile's name and other identifying information. There is no requirement that an officer must have a parent present and/or speak to that parent instead of directly speaking to the juvenile.

³¹ See *In re E.A.E.*, 2nd Dist. Montgomery No. 28248, 2019-Ohio-2749.



Additionally, Ohio Revised Code §2921.29; Failure to Disclose Personal Information, states, *“No person who is in a public place shall refuse to disclose the person’s name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects the person is committing, has committed, or is about to commit a criminal offense.”* In this case, Officer Sayers observed the three juveniles commit a traffic offense (L.C.O. 371.05) in a public place. Officer Sayers needed the information to cite the males for the offense, regardless of the fact if they were a juvenile or not. It should be noted, according to the statute, a person is not required to answer any questions beyond their name, address, and date of birth.

In conferring with the Lorain County Prosecutor’s Office, Juvenile Division, Assistant County Prosecutor Dominic Gentile could not find any cases where there are special exemptions to juveniles being investigated for crimes. Put simply, the law clearly establishes that the police have the authority to interact with a juvenile who is suspected of being a law violator.

Accordingly, Officer Sayers’ attempt to stop the juveniles and his attempt to speak to them was lawful and proper and based on his observations and what he noted in his report.

In OPS’s view, Officer Sayers had reasonable articulable suspicion to stop the males, prior to observing the traffic violations. Police may briefly detain a person if they have reasonable suspicion to believe that criminal activity may be afoot. Reasonable suspicion is less than probable cause but more than an “unarticulated hunch;” it must be based on “specific and articulable facts,” “taken together with rational inferences from those facts.” It is “the sort of common-sense



conclusion about human behavior which practical people...are entitled to rely upon” [*Terry v. Ohio*, 392 U.S. 1 (1968)].

Officer Sayers also had probable cause to stop the males, based on violations of law.

Where a police officer stops a person based on probable cause that a traffic violation has occurred or was occurring, the stop is not unreasonable under the Fourth Amendment to the United States Constitution, even if the officer had some ulterior motive for making the stop, such as a suspicion that the violator was engaging in more nefarious criminal activity (*United States v. Ferguson*, C.A. 6 1993, 8F 3d 385; *Dayton v. Erickson* (1996), 76 Ohio St. 3d 3). Further, OPS does not second guess a trained officer’s determination of probable cause, nor does OPS determine a citizen’s guilt or innocence. **Accordingly, Officer Sayers is Exonerated with regard to the first allegation. Officer Sayers had both probable cause and reasonable articulable suspicion to stop the juveniles, to question them, to verify their identities, and to issue them a citation.**



Allegation #2 Law Enforcement Failing to Identify Themselves

Second, Hildreth stated she asked for the officers' name and badge numbers and "they didn't want to tell me." **This is a misleading statement by Hildreth, which is contradicted by the video evidence.** At 03:45:29, Hildreth stated, "[Inaudible] can I have your name and badge number?" Officer Sayers immediately responded, "Officer Sayers, (Badge Number) 4081." **Officer Sayers is in compliance with Lorain Police Department Procedure 305**, which states, *"Except when impractical or unfeasible, an officer fails to properly respond to a person's request for identifying information (e.g., name, badge number, employee ID number)."* In other words, **Hildreth was untruthful in her statement to OPS that Officer Sayers did not provide his identifying information.**



Figure 24: BWC image of Hildreth requesting Officer Sayers' information, and Officer Sayers providing it to her.



Hildreth also claimed that ATF Special Agent Fabrizio said he didn't have to give her his name and badge number "because he was ATF." Special Agent Fabrizio is not employed by the Lorain Police Department and does not fall under its policies and procedures. Accordingly, OPS will not address her claim, one way or the other. If Hildreth wanted to pursue that part of her complaint, she is free to file a complaint with the U.S. Department of Justice with regard to Agent Fabrizio's conduct in this incident.

It should be noted, however, that Hildreth appeared to be under the false impression that there was some law that required officers to identify themselves. At 03:45:47 Hildreth stated, "By law you have to give me your name and badge number!" Unfortunately, Hildreth is misguided and uninformed of the law. **Broadly speaking, law enforcement officers do not have a legal duty to disclose either their identities or their agencies of affiliation, even if asked directly.**³² Indeed, an officer's refusal to identify themselves has sparked criticism in today's contemporary policing environment. In the federal system, it is common for federal law enforcement agents to identify themselves to citizens as "federal law enforcement." Certain municipalities require police officers to identify themselves, if asked, but there is currently no federal statute requiring officer disclosure of such information.

³² The National Defense Authorization Act (H.R. 6395) is a new requirement for federal military and civilian law enforcement personnel involved in the federal government's response to a "civil disturbance" to wear visible identification of themselves and the name of the government entity employing them. That requirement is not at issue here.



The Lorain Police Department generally requires officers to identify themselves, so long as it is practicable and feasible to do so. The Courts have held that, although officers generally should identify themselves in these situations, in certain circumstances it may be reasonable for them not to disclose their status as law enforcement. Nonetheless, when Hildreth asked Officer Sayers for his name and badge number he immediately provided it. Likewise, Officer Roberts provided his name when he was asked [03:49:31 mark]. Given the interactions that were underway when Sgt. Vrooman and Lt. Manicsic were asked for their information, it was not viable for them to do so at that time. Lt. Manicsic also made a command decision to leave the scene so the situation did not escalate further; his actions were reasonable and justifiable in OPS's view. **Accordingly, there is no veracity to Hildreth's claims with regard to Lorain Police Department employees failing to identify themselves; her allegation is Unfounded.**



Allegation #3 Officers Racially Profiled

Third, Hildreth alleged, “My son and nephew and friend were racially profiled.” **Hildreth offered no evidence whatsoever to support her claim.** Lorain Police Department’s Policy on Bias-Based Policing (Policy 401) provides guidance to Department members that affirms the Lorain Police Department’s commitment to policing that is fair and objective. The Lorain Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of the Department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group. Bias-based policing is strictly prohibited. However, nothing in the Department’s policy is intended to prohibit an officer from considering in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

According to Lorain Police Department policy, officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual. In this case, Officer Sayers has provided reasonable articulable suspicion based on knowledge of facts that led him to believe that the person is involved in criminal activity, may be armed and dangerous or who have committed a traffic violation. There is no merit to Hildreth’s allegation. **Accordingly, Hildreth’s allegation of biased based policing is without merit and Unfounded. Hildreth failed to provide any substantial evidence to support her claim.**



It should be noted, the Lorain Police Department routinely conducts audits and reviews agency practices to ensure that racial/ethnic characteristics are not being used as a basis for traffic and other enforcement efforts and to attempt to proactively identify potential training or directive issues. Moreover, OPS also monitors these types of issues and Officer Sayers has never been identified as a police officer who engages in any biased-based policing and receives very few citizen complaints, if any. Officer Sayers only has Merit reports in OPS's LEA database and is not the subject of any citizen complaints except the one made by Hildreth in this instance.

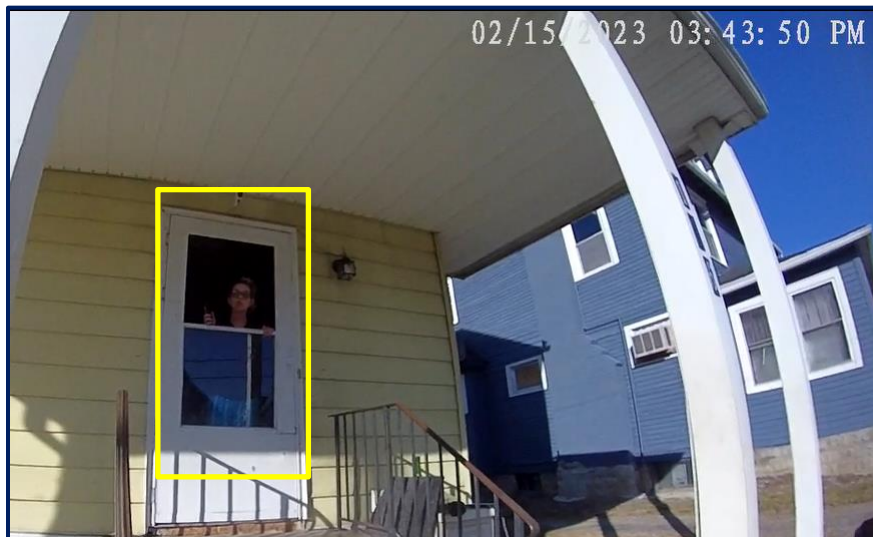
It should also be noted that Chief McCann adopted the Lexipol Policy System for the Lorain Police Department. Lexipol provides fully developed, state-specific policies researched and written by subject matter experts and vetted by attorneys. The Lorain Police Department's policies are based on nationwide standards and best practices, while also incorporating state and federal laws and regulations where appropriate.³³

³³ [Public Safety Policy Services & Policy Management Software for Law Enforcement | Lexipol](#)



Allegation #4 Officer Sayers “Falsified” His Police Report

Fourth, Hildreth contends that she was illegally charged with obstruction and Officer Sayers falsified the police report to make her “look as though [she] was irate and non-compliant.”



OPS does not determine the guilt or innocence of Ms. Hildreth; however, given the circumstances, it is clear that Officer Sayers had probable cause to arrest and/or cite her for Obstructing Official

Business. In fact, before Hildreth was issued her summons, Lt. Manicsic contacted Lorain City Prosecutor Santiago. After being presented with the facts, Prosecutor Santiago instructed Lt. Manicsic to have Officer Sayers issue Hildreth a summons for Obstructing Official Business, in lieu of a physical arrest. It should be noted, prosecutors enjoy prosecutorial immunity for charging decisions.³⁴ **Ultimately, it was the Prosecutor who decided to charge Mary Hildreth, after being presented the facts and finding probable cause.**³⁵ In other words, the charging decision was independently reviewed, and was not based exclusively on Officer Sayers’ decision.

³⁴ Under this doctrine, prosecutors cannot be sued for any actions related to their job as prosecutor.

³⁵ The Lorain City Prosecutor has the burden of proof to prove Hildreth guilty beyond a reasonable doubt.



With regard to her contention that Officer Sayers falsified the police report to make her look as though she was “irate and noncompliant,” the facts and evidence in this case clearly show Hildreth was in fact irate and noncompliant. First, it is important to review the definition of “irate.” According to Webster’s Dictionary, the word “irate” is a transitive verb, which means “to provoke impatience, anger, or displeasure in: annoy” and “to induce irritability in or of.” According to the multiple recordings that OPS reviewed, Hildreth was impatient, and displeased with the police for being at her residence and attempting to stop her son, her nephew and their friend. Hildreth was also, bobbing her head, pointing, shouting and cursing, and clearly displaying outward anger. For example, Hildreth yelled, “I just told you my son’s name is Jordan Barnette! He’s a fucking minor, mister high horse...Rude as fuck!”

Another example is when Officer Sayers asked Hildreth for her son’s friend’s last name. Hildreth responded, “I don’t know. It’s his friend. I’m not his fucking parent!” When Agent Fabrizio was attempting to calm Hildreth down by speaking to her in a calming, low-toned voice, she responded, “No! He started fucking yelling at me first! Don’t tell me I was yelling! I was cool calm until he started disrespecting me!” When Agent Fabrizio asked Hildreth if she was “yelling right now,” Hildreth did not respond. A few minutes later after requesting a supervisor, Hildreth yelled, “You guys are being absolute assholes!” [03:49:25 mark]. Clearly, this type of dialog is not rational conversation, and indicative that Hildreth was “irate,” emotionally upset, and not comported.



With regard to Hildreth's contention that Officer Sayers lied about her being "noncompliant," Webster's dictionary defines "noncompliant" as a "failure or refusal to comply with something (such as a rule or regulation): a state of not being in compliance. Indeed, Hildreth was noncompliant in this case. Officer Sayers asked her to send the three males outside; Hildreth refused. Officer Sayers asked Hildreth repeatedly for her name; Hildreth refused and kept yelling into her phone, ignoring Officer Sayers' multiple requests [03:46:53 mark]. When Hildreth finally started to provide her information, she stated her name was "Mary" causing Officer Sayers to ask for her last name [03:47:42 mark]. Generally, when a police officer requests a person's name, they expect the person to give their full name, as there is a reason that they are asking for it. Hildreth then asked, "What do you need my last name for?" Officer Sayers responded, "Because I need it for the report." Officer Sayers had to ask her several more times for her last name. She finally provided it after numerous requests [03:48:18 mark]. Officer Sayers asked Hildreth for her date of birth; Hildreth refused, stating, "You should be able to find it!" [03:48:21 mark]; Hildreth ultimately never provided her date of birth. This action is in violation of law.

In the report, Officer Sayers wrote, "I advised on numerous occasions the three individuals had committed a traffic infraction and that I needed to speak with them regarding the matter." This is a true statement, which is corroborated by the video evidence.

Officer Sayers wrote, "Hildreth continued to yell and stated that she was the mother and that I could talk to her...Hildreth refused to acknowledge the fact that the males had just committed



a violation and would not advise them to come back outside.” These are true statements corroborated by the video evidence.

Officer Sayers wrote, “Hildreth then began screaming and demanding my name and badge number which I provided to her at this time.” This is a true statement corroborated by the video evidence.

Officer Sayers wrote, “It should be noted that I was forced to raise my voice in an attempt to get information from Hildreth due to her continuous **yelling** and **screaming**...” This is a true statement corroborated by the video evidence.

Despite Hildreth attempting to claim in her written complaint that she was not “irate” and “noncompliant” and Officer Sayers made her look that way in the report, but the fact of the matter remains that she was uncooperative, noncompliant and infuriated during her contact with the officers. In other words, Officer Sayers was truthful in his report and there is no evidence that OPS discovered that would tend to prove that he was dishonest in anything that he wrote in the police report. **Accordingly, Hildreth’s contention that Officer Sayers falsified his police report is Unfounded.**



Miscellaneous Claims & Statements made by Hildreth

Hildreth concluded her complaint by stating that she emailed her camera footage to the Mayor and the Lorain City Prosecutor.³⁶ She also stated that she shared the footage³⁷ on social media and generated over 75,000 views with support from the community.³⁸ She also alleged that the *Chronicle Telegram* supported her claims that the Lorain Police Department was in “multiple violations from the start.” Hildreth did not elaborate fully on what those “violations” were, besides what this report has covered above, and what evidence Hildreth had to corroborate these violations. She also did not elaborate how the *Chronicle Telegram* supported her claims. Nevertheless, Hildreth demanded that Officer Sayers be fired, along with Sgt. Vrooman and Lt. Manicsic being “suspended or fired for allowing this kind of behavior from the officers that they are in charge of

³⁶ Hildreth should turn over any footage/recordings she may have in her possession for discovery, pertaining to her criminal case.

³⁷ [\(45\) Police harassment and lying caught on camera part 2 - The alleged jaywalk - YouTube](#)

³⁸ The Lorain Police Department’s Office of Professional Standards investigates incidents based on the law, on facts and evidence, and not on public opinion. Social media posts often are misleading, present one side of a story, and are often designed to create controversy in order to garner “likes.” A recent study by the Yale Department of Psychology found that social media platforms amplify expressions of moral outrage over time because users learn such language gets rewarded with an increased number of “likes” and “shares” (Brady et al., 2021). The study found that social media has been blamed for a host of social ills, including the rise of political polarization, the chilling of public speech, the spreading of disinformation, and the erosion of democracy.



and for not investigating our side of the story and for automatically agreeing with said officers.” Hildreth concluded by writing, “We will see this fully through court and a possible lawsuit against the Lorain Police Department.” Hildreth is certainly free to exercise her rights to pursue any legal remedy against the City of Lorain if she chooses to and to present her allegations. That is her right as an American citizen and OPS respects that right.

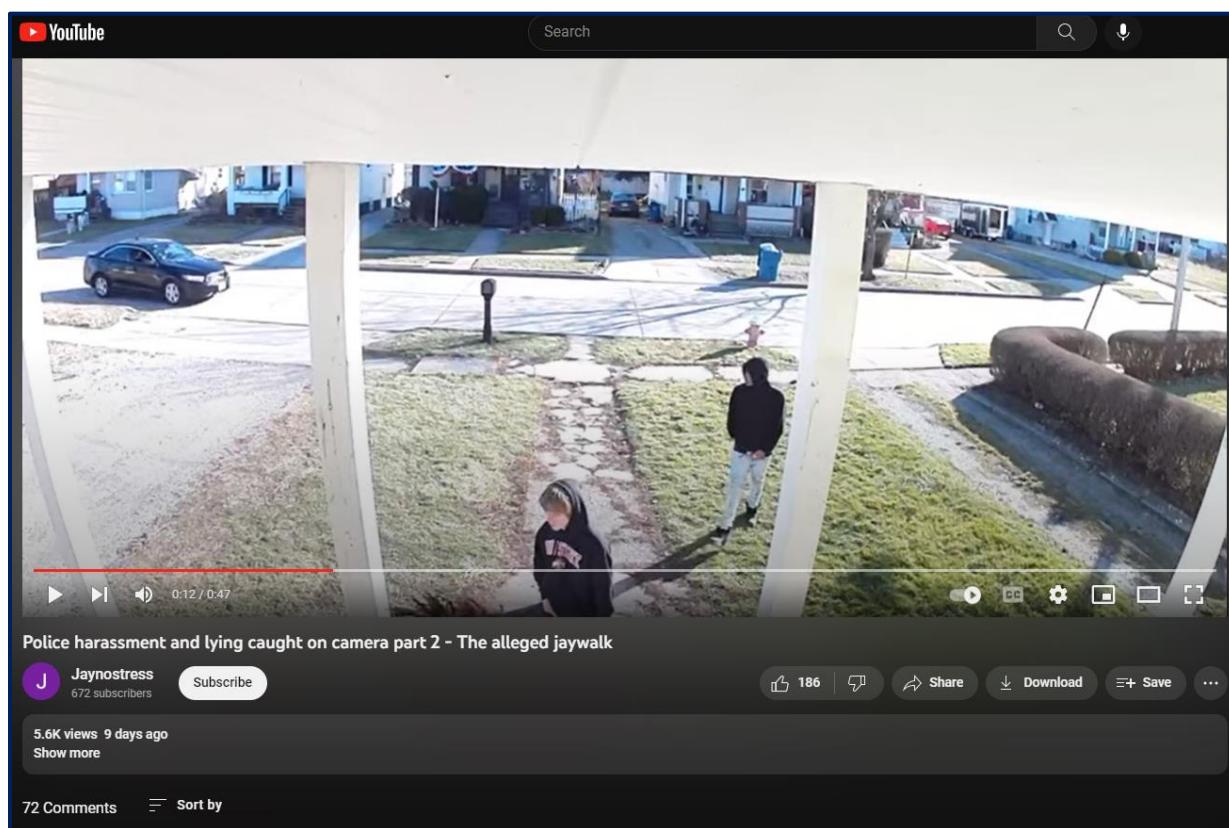


Figure 25: Social media post on YouTube.



Hildreth's Demands

Police officers, who are civil servants, cannot be fired or suspended without just cause.³⁹ Just cause is the standard that applies to government employees who fall under a Collective Bargaining Agreement. Under the basic tenant of “just cause” the employer cannot implement discipline unless it meets its burden of proof that it has complied with the fundamental elements of “just cause” used by arbitrators, courts, and civil service boards. Just as Hildreth has the right to file a complaint against the officers and has the right to sue whomever she chooses, the officers also have rights and are covered by a Collective Bargaining Agreement. Clearly, Hildreth has not educated herself on the process of disciplining public servants, or presented any facts or evidence that would support any officers firing or suspension in this matter, despite the unrealistic demands that she made in her written complaint.

With regard to Hildreth’s statement, “We also demand ATF Fabrizio to ride nor police the streets of Lorain, Ohio for his from the start,” - this is an illogical and incomplete sentence, so it is not clear what Hildreth is trying to relay in her complaint. Regardless, OPS has no authority to make any demands of the ATF. Further OPS has no standing to dictate what partnerships federal law enforcement engages in with local law enforcement, to include the Lorain Police Department. It should be noted, however, the partnership the Lorain Police Department has with the ATF has

³⁹ Ohio Revised Code, §124.34.



proven to be a valuable one, especially in targeting violent crime, leading to multiple illegal guns being removed from the streets.^{40, 41}

⁴⁰ See crime data provided by the Lorain Police Department's PIT Unit.

⁴¹ [Lorain Police restart dedicated street crimes unit | Chronicle Telegram](#)



Hildreth's Statements to Fox 8 Cleveland

In an interview with *Fox 8 Cleveland* on the incident, Hildreth stated to the reporter, “I’m the adult who’s here and I’m not going to send them out to basically a ‘pack of wolves.’”⁴² OPS believes that the statement made by Hildreth speaks to and is evidence of her state of mind that she intended to obstruct the officers by not allowing the officers to identify the three males, who had fled into her house. She also attempts to cast herself as a victim of “police harassment,” even though the encounter would arguably have gone much differently if she had cooperated and allowed Officer Sayers to conduct his investigation by sending the three males outside so they could have been identified.⁴³

It should be noted, when citizens cooperate with the police, a situation is less likely to escalate, perhaps even leading to a use of force incident. The fact is that more than 95% of police contacts are handled without rising above the level of dialog. This is because most people are **cooperative** and **compliant**. This is the way situations should be handled because it is unlawful to resist and/or obstruct an officer in the performance of his or her duty (Marcou, 2019). **If a person**

⁴² [Mother files harassment complaint against Lorain, Ohio, police \(fox8.com\)](https://www.fox8.com/story/123456789)

⁴³ The media is often inundated with “victim hoaxes,” where there is a great flutter over someone being wronged and victimized. Society gets all atwitter over these events, standing up for the wronged party. The alleged victim often receives financial support and other secondary gains as a result of the nationwide uproar. Unfortunately, further attention to these events reveals that some details of the story don’t hold up to scrutiny (Ley, 2014).



disagrees with a stop or an arrest, the place to argue the case vigorously is in a court of law, not out on the street. Moreover, this is why police departments have processes in place to address and investigate citizen complaints.

NEWS
Mother files harassment complaint against Lorain police
by: Jack Shea
Posted: Feb 28, 2023 / 04:30 PM EST
Updated: Feb 28, 2023 / 07:16 PM EST

4 seconds left

A still from a video showing a street scene from a high angle. A dark car is parked on the left side of the road. A person is standing in the middle of the street. The video player interface shows a play button in the center and a share icon in the top right corner.

A photograph of a woman and a man sitting on a couch. The woman is on the left, wearing a dark hoodie, and is gesturing with her hands while speaking. The man is on the right, wearing a grey hoodie, and is listening. They appear to be in a living room setting.

Complaint claims Lorain police harassed teens in gun search
A Lorain woman has a filed a complaint against the city's police department, ...
8 FOX8 Cleveland · 7d

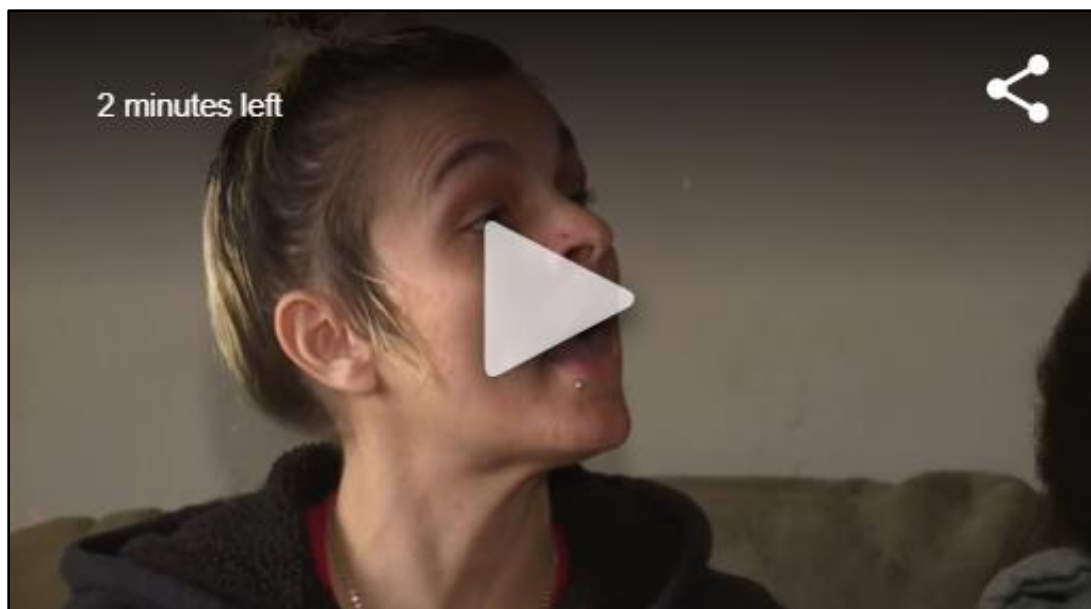


Figure 26: Screenshot of Mary Hildreth speaking to Fox 8 Cleveland.

Hildreth eventually gave the officers her name and her son's name, but refused to send the teens outside. She then told the officers that if they did not have a warrant, that she wanted them to leave because they were trespassing. Additional officers arrived and they continued to demand that she send the boys outside.

"I'm the adult who's here and I'm not going to just send them out to basically a pack of wolves. Right is right and wrong is wrong and the way that things happened that day was absolutely unacceptable and wrong," she said.

Figure 27: Screen shot from news story by Channel 8 Reporter Jack Shea.



Hildreth's Statements to the Chronicle Telegram

Couple file complaint against Lorain Police Patrol Impact Team



Carissa Woytach
The Chronicle-Telegram

Feb 25, 2023 2:00 PM

LORAIN — A Lorain couple have filed a complaint against members of Lorain Police's Patrol Impact Team after officers' attempt to issue a jaywalking ticket escalated to alleged police misconduct and racial discrimination.

Figure 28: Screen shot of news story from the Chronicle Telegram.

In an interview Hildreth gave to the *Chronicle Telegram* on or about February 24, 2023, Hildreth is quoted as saying that her son Jordan (Barnette) doesn't have a criminal record, only her other son does. **This is a false statement, as her son has been ADJUDGED a DELINQUENT CHILD in two prior cases.** For example, on March 26, 2020, Jordan Barnette was arrested by the Lorain Police Department for Criminal Trespass, Riot, Unruly Juvenile, Menacing, Obstructing Official Business, and Resisting Arrest. *See Juvenile Court case #20JD59649 Docket of Judge Frank Janik / Magistrate Donna Freeman.* According to the Docket in that case, Barnette was adjudged a Delinquent and was committed to the Detention Home for 90 Days. However, the Magistrate suspended the sentence on the condition of good behavior for one year and the completion of court orders.

A few months later, on July 24, 2020, Barnette was charged with Assault. *See Juvenile Court Case #20JD59993 Docket of Judge Sherry Glass / Magistrate Charlita Anderson-White.*



According to the Docket in that case, Barnette was required to **submit an essay**⁴⁴ to the Court on “**Resolving Conflict.**” He was also required to complete ten (10) hours of community service. He was also committed to the Detention Home for 90 Days. However, **Magistrate Anderson-White** **again** **suspended the sentence** on the condition of good behavior for one year and the completion of court orders. Recall, Barnette was already on “probation” through the previous case.

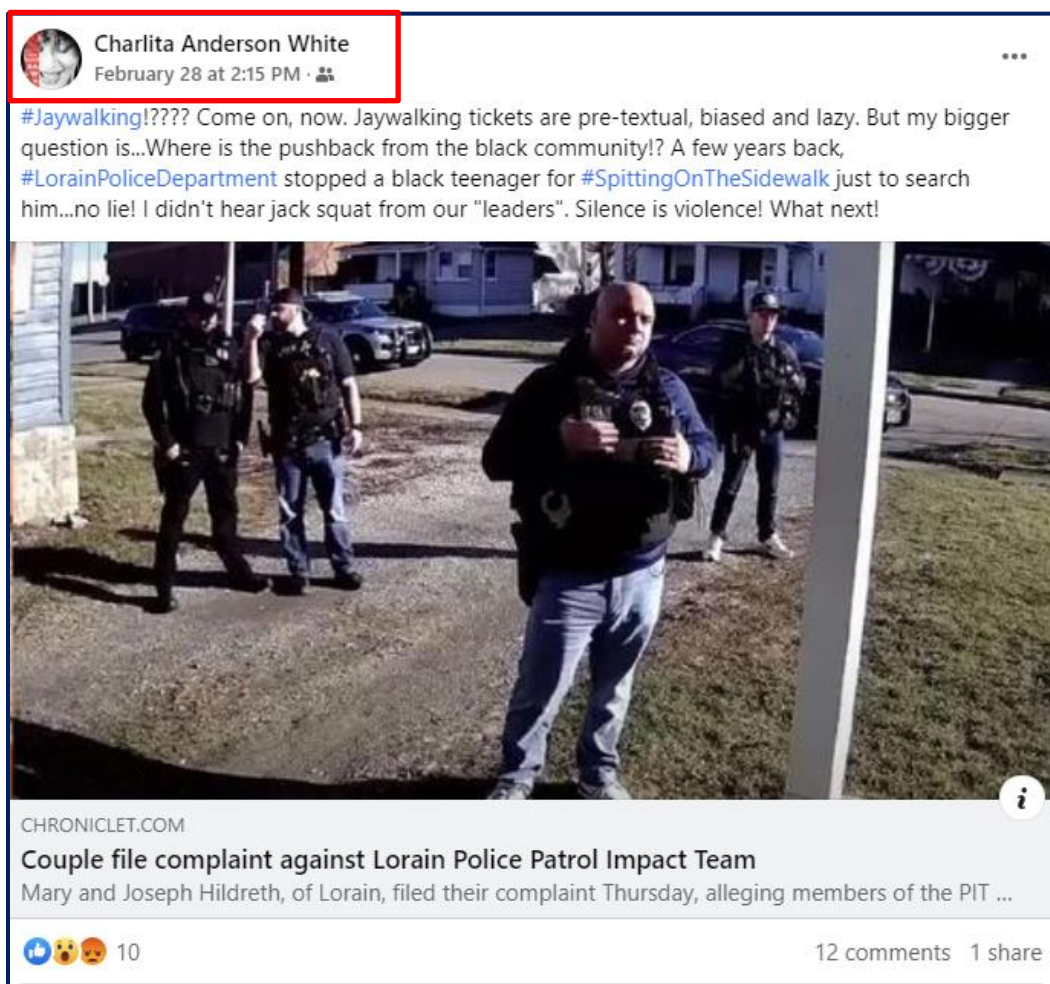


Figure 29: Facebook Post by Retired Juvenile Magistrate Charlita Anderson-White.

⁴⁴ See Exhibit.

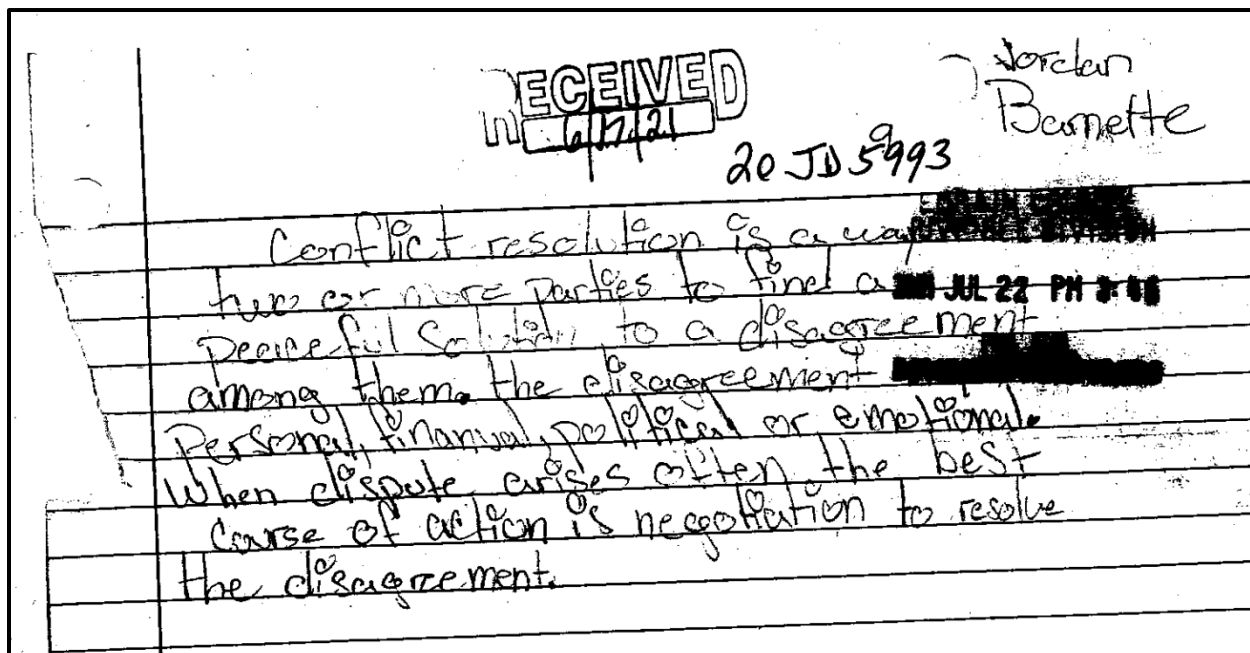


Figure 30: Selection of Jordan Barnette's essay to Juvenile Magistrate Charlita Anderson-White.

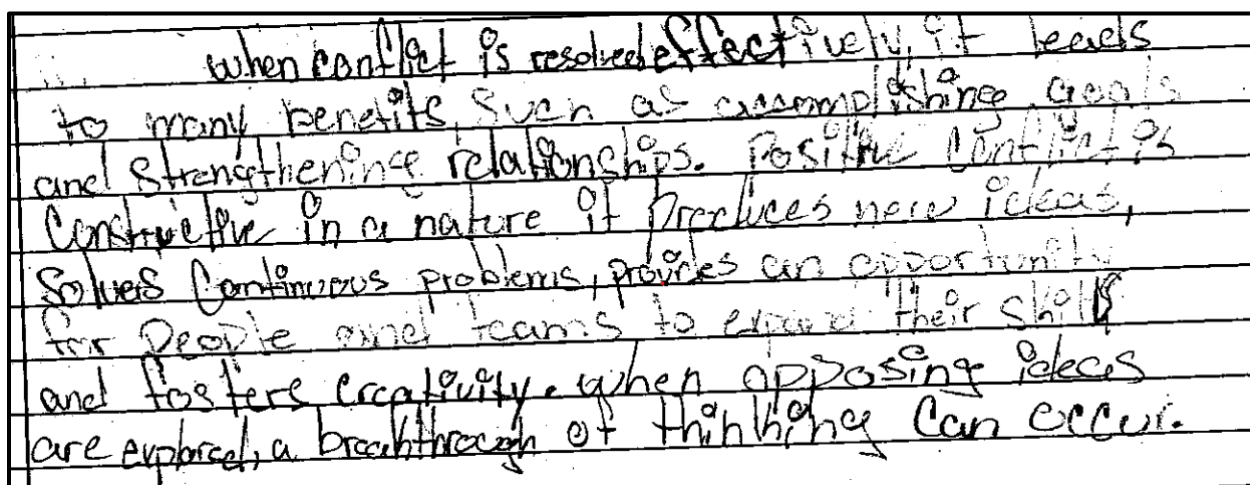


Figure 31: Selection of Jordan Barnette's essay to Juvenile Magistrate Charlita Anderson-White.



Also, in the interview with the *Chronicle Telegram*, Joseph Hildreth is quoted as saying, that he and his wife, “don’t ‘pull the race card’ but there’s always a what if, as his son is Black, White and Puerto Rican and his nephew is Black and White but darker skinned.”

The term ‘play the race card’ is an informal term used to introduce the subject of race into a public discussion, especially to gain a strategic advantage. Some academics observe that people often involve race as a cynical ploy to curry favor, or sympathy, and to cast aspersions on the character of others. In this case, both Mary Hildreth and Joseph Hildreth cast accusations that the three juveniles were in some way racially profiled. Again, they did not submit any evidence to defend their position and OPS could not find any indication that Officer Sayers or any other Lorain Police Officer for that matter engaged in biased based policing. **In other words, Hildreth’s contention that race was somehow a factor in this incident is without merit and was apparently done to cast accusations on the part of the officers in order to gain premeditated advantage against the Police Department in the public domain, particularly on social media.**



Relevant Case Law

In *State v. Scott* (2002-Ohio-4096*; 2002 Ohio App. LEXIS 4277 **) the Defendant appealed the judgement of the Highland County Court, Greenfield Division (Ohio), convicting him of obstructing official business by interfering with a police investigation. In that case a juvenile was in the defendant's home without her caretaker's consent. When the juvenile was nowhere to be found, the police were called. A police officer went to the defendant's home. The defendant told the juvenile to hide upstairs. When the officer asked if the juvenile was there, the defendant responded that the juvenile was not in the home. The defendant gave the officer permission to search the house. The officer voluntarily limited his search to the downstairs, thinking that no one was upstairs. After the juvenile left the defendant's home, the juvenile told the officer that the defendant had told her to hide. The evidence was sufficient to convict the defendant under R.C. 2921.31(A), and the conviction was not against the manifest weight of the evidence. Defendant's instruction to hide was an act that impeded the officer's search for the juvenile. It had its intended effect, which was to prevent the officer from finding the juvenile. It was inconsequential that the officer voluntarily limited his search. The juvenile's testimony, which was corroborated by other witnesses, was substantial evidence that the defendant committed the crime.

The Appeals Court affirmed, finding that the defendant's conviction for obstruction of official business was supported by sufficient evidence and was not against the manifest weight of the evidence.



In re Sommer (2004-Ohio-5885 *; 2004 Ohio App. LEXIS 5322), the Appellant juvenile appealed a judgement by the Stark County Court of Common Pleas, Juvenile Division (Ohio), that found him delinquent of obstructing official business under R.C. §2921.31; the juvenile claimed that a finding was against the manifest weight of the evidence.

In that case the police were summoned to a residence to investigate an alleged assault against an intoxicated teenager. During the investigation, a police officer found the juvenile “sleeping” and non-responsive with an odor of alcohol on his breath. After the officer announced that he was going to call an emergency squad to examine the juvenile, the juvenile “sat straight up in bed” and began to verbally attack the officer. **The juvenile refused to state his name and was belligerent and uncooperative throughout the process.** The appellate court held that based upon the evidence presented, the juvenile’s conduct constituted an act that hampered or impeded the officer’s performance of his lawful duty to conduct an investigation. Consequently, the court properly found the juvenile delinquent for violation of R.C. §2921.31.

Interestingly, the evidence presented in that case established that the appellant failed to give his name or any other personal information. The appellant argued that the officer did not have to ask his name because his mother eventually identified him. The very narrow issue that was presented was whether appellant’s refusal to identify himself hampered or impeded the officer’s investigation. The Court said, “Although we agree that some natural resistance to police authority is to be expected out on the street, we nevertheless find, based upon the evidence presented, that



the appellant's conduct constituted an act that hampered or impeded the officer's performance of his lawful duty to conduct an investigation."



Hildreth's Son was Truant from School on the Day of the Incident

While investigating the circumstances of the incident and attempting to obtain relevant evidence, OPS learned that Mary Hildreth's son, Jordan Barnette, who officers attempted to stop was truant from school on February 15, 2023. OPS obtained a Grand Jury Subpoena for school records from Black River Career Prep High School. Black River Career Prep High School was the last school Barnette was registered with. According to R.C. §3321.19; "Examination into cases of truancy – failure of parent, guardian or responsible person to cause child's attendance at school" states, "... No parent, guardian, or other person having care of a child shall fail without good cause to attend an educational program described in this division if the parent, guardian, or other person has been served notice pursuant to division (C) of this section..." Also see Lorain Codified Ordinance §509.13; Children of Compulsory School Age to Be in Attendance at School; Parental Duty Imposed.

According to school records, Mary Hildreth received a "Notice of Withdrawal" from Crystal Garmon, the Administrator for the school, notifying her that Jordan Barnette had been withdrawn from Black River Career Prep "based on unexcused absences that exceeded 72 hours of classroom instruction." The withdrawal was effective on January 14, 2023. *See Supplemental Exhibit.*

School records indicate that Hildreth had received a "Notice of Chronic Truancy" from Black River Career Prep on January 10, 2023. According to the letter, Barnette failed to attend classes for over seven days or the equivalent of the forty-two (42) consecutive hours of



instructional time, which is considered “chronically truant.” The letter to Hildreth also stated, “Guardians are legally responsible for ensuring that students between the ages of five (5) and eighteen (18) attend school regularly...Be advised, where applicable the school may be required to make a referral to your local juvenile court for truancy.” *See Supplemental Exhibit.*

Hildreth also received an “Attendance Warning Letter” from Black River Career Prep on January 13, 2023. According to the letter, Barnette had not attended school for at least the last ten (10) school days which equates to 60 consecutive hours. The letter also stated, “Should you continue to not attend and reach 72 consecutive hours of nonattendance, you will be in violation of Ohio Law and Black River Career Prep High School will be required to withdraw you...” *See Supplemental Exhibit.*

Black River Career Prep Records also indicated that Barnette had several “Discipline Alerts.” *See Supplemental Exhibits.*

In her interview on March 23, 2023, Hildreth claimed that her son went to “Life Skills” on West River Road in the City of Elyria. “Life Skills” is another name for Black River Career Prep High School. Hildreth’s statement is contradictory to the school records that her son, Joseph



Barnette, was currently enrolled there and attending class. In other words, **Hildreth made a false statement when she knew that her son was not currently enrolled in and attending school.**⁴⁵

Black River Career Prep High School 22-23 Year

Log Entries

Barnett, Jordan Lee 9 11323 16 years 4 months M Transferred Out

Edit Discipline Alert

HIDE

☐ Attendance Calls
 ☐ Enrollment/Retention
 ☐ Family Contact
 ☐ MTSS

Date	Description
01/13/2023	Moore, Rosalind M - Retention - Attendance Warning Letter (10 days missed) mailed 1/13/23
01/10/2023	Moore, Rosalind M - Retention - Notice of Chronic Truancy Letter (7 days missed) mailed 1/10/23
11/30/2022	Koszkalda, Isabel - Contact - I texted mom about attendance. She said they had a family emergency.
08/08/2022	Boss, Devin L - Contact - Talked with Stepdad. He said he'd let his Mom know about the start of school.
08/03/2022	Boss, Devin L - Contact - Left VM with Mom and Email with school start details.
11/15/2021	Eden, Rebecca J - - Wandering halls.
11/15/2021	Eden, Rebecca J - - Discussed behavioral probation plan.
10/21/2021	Boss, Devin L - Out of area/Disruptive Behavior - He stayed in my class and engaged in conversation with other students. He told me he was done with his agreed upon work for the day and could leave but he continued to be distracting to other students. Later, he was talking loudly with another student about fighting someone while I was trying to assist another student with their work. I asked him to not speak because he was being distracting and he just kept arguing about it. He blamed other student for not paying attention.
10/12/2021	Garmon, Crystal L - - Spoke to Jordan's mother this evening and made her aware that I am concerned with his wandering without a pass and lack of academic progress. I spoke to Jordan today, and offered the opportunity for him to complete 5 quizzes day and he could leave. He was receptive to this, and mom was very supportive. I will update mom within a week to see how this plan is going.
10/05/2021	Boss, Devin L - Out of area/Disruptive Behavior - He and a friend showed up to my room and asked to come in when they were off schedule for no reason. I asked them to leave and they finally walked away.
09/29/2021	Eden, Rebecca J - - Jordan was caught trying to go down the back hallway during class change with a peer. When asked to turn around he did give a little push back but eventually went to class.
09/15/2021	Eden, Rebecca J - - Completed needs assessment.

Figure 32: Black River Career Prep High School Records for Jordan Barnette.

⁴⁵ Falsification; R.C. §2921.13: “No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when the statement is made with purpose to mislead a public official in performing the public official’s official function.

[illegible]


Figure 33: Black River Career Prep High School Attendance Records for Jordan Barnette.




Jacob Levi Hall was Truant from School on the Day of the Incident

OPS obtained a Grand Jury Subpoena for the school records of Jacob Levi Hall. According to school records provided by the Lorain City Schools, Jacob Levi Hall was truant from school on February 15, 2023. The records also indicated that he had not been in school since the week of October 17, 2022.

District Office 22-23 Year



Truancy and Chronic Absenteeism Detail



Name: Hall, Jacob Levi Grade: 9 Student#: 401739 Building: LHS SSID: UJ6349265 Username: 26jhall
 Cohort: 2026 DOB: 03-28-06 Entry Date 08-20-21 Exit Date 06-01-23 HR: B331 Counselor: Stimecz

Truancy and Chronic Absenteeism Detail

Truancy and Chronic Absenteeism Summary (Explain)				
Total Absence Hours per Month	Total Absence Hours per Year	Consecutive Unexcused Absence Hours	Unexcused Absence Hours per Month	Unexcused Absence Hours per Year
31:39 / 38	443:06 / 65	265:52 / 30	31:39 / 42	424:07 / 72

Student Truancy and Excessive Absence (FT) Record and Non-EMIS Reportable District Actions

A Student Truancy and Excessive Absence (FT) Record is to be reported for students each time an event outlined in House Bill 410 occurs. The record is reported by all EMIS reporting entities who provide education to students in grades kindergarten and above. Events should be reported as they occur in the Traditional Districts Midyear and End of Year Student (S) Collections and the SOES End of Year Student (S) Collection. The Action Taken field can be used by districts to record and track non-EMIS reportable actions taken.


Event Date	Action Taken (Non-EMIS Reportable)	Absence Event (EMIS Reportable Event)	Notes
10/31/2022		(A) Parent Notified of Excessive Absences	
10/27/2022		(B) Student becomes Habitually Truant	
12/09/2021		(B) Student becomes Habitually Truant	
10/26/2021		(A) Parent Notified of Excessive Absences	

Figure 34: Records provided to OPS from Lorain City Schools, pursuant to a Grand Jury Subpoena.

PROFESSIONAL STANDARDS | LORAIN

POLICE DEPARTMENT




Daily Attendance

Name: Hall, Jacob Levi Grade: 9 Student#: 401739 Building: LHS SSID: UJ6349265 Username: 26jhall Cohort: 2026 DOB: 03-28-06 Entry Date 08-20-21 Exit Date 06-01-23 HF

Meeting | Daily

8/15-8/19					8/22-8/26					8/29-9/2					9/5-9/9					9/12-9/16					9/19-9/23					9/26-9/30					10/3-10/7				
M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H						
-	-	-	-	0 UA	-	-	-	-	0 UA	-	-	-	-	-	-	-	-	-	0 UA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0 UA	
10/17-10/21					10/24-10/28					10/31-11/4					11/7-11/11					11/14-11/18					11/21-11/25					11/28-12/2					12/5-12/9				
0 EA	0 EA	0 EA	0 EA	0 UA	-	-	-	-	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	-	0 UA	0 UA	0 UA	0 UA	-	-	-	-	-	-	-	-	-	-	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA		
12/19-12/23					12/26-12/30					1/2-1/6					1/9-1/13					1/16-1/20					1/23-1/27					1/30-2/3					2/6-2/10				
-	-	-	-	-	-	-	-	-	-	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA		
2/20-2/24					2/27-3/3					3/6-3/10					3/13-3/17					3/20-3/24					3/27-3/31					4/3-4/7					4/10-4/14				
-	0 UA	0 UA	0 UA	0 UA	0 UA	0 UA	-	0 UA	0 UA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
4/24-4/28					5/1-5/5					5/8-5/12					5/15-5/19					5/22-5/26					5/29-6/2														
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						

Legend

Attendance Codes: =Present | EA=Excused Absence | On Campus=OC | POS=Present Off Site | UA=Unexcused Absence | ET=Excused Tardy | UT=Unexcused Tardy | DR=Doctor | ER=Emergency Removal | DH=Detention
 CA=Court Appearance | FT=Field Trip | FL=Funeral | HI=Home Instruction | ISA=In School Assignment | OSS=Out of School Suspension | OSSDH=OSS and in DH | PA=Pathways | RH=Religious Holiday | SS=Stepping Stone
 VA=Vacation | ED=Early Dismissal | T3=Tardy HB410 | MC=Mercy Clinic Visit | CV19 - Out=Covid out | QT=Quarantine - work from home | QT-Out=Quarantine- Out | QT-In=Quarantine- In School |

Figure 35: Records provided to OPS from Lorain City Schools, pursuant to a Grand Jury Subpoena.

02/10/2023	LHS	UA	Unexcused	2023-02-10 00:00:00 AM	6:20
02/13/2023	LHS	UA	Unexcused	2023-02-13 00:00:00 AM	6:20
02/14/2023	LHS	UA	Unexcused	2023-02-14 00:00:00 AM	6:20
02/15/2023	LHS	UA	Unexcused	2023-02-15 00:00:00 AM	6:20
02/16/2023	LHS	UA	Unexcused	2023-02-16 00:00:00 AM	6:20
02/21/2023	LHS	UA	Unexcused	2023-02-21 00:00:00 AM	6:20
02/22/2023	LHS	UA	Unexcused	2023-02-22 00:00:00 AM	6:20
02/23/2023	LHS	UA	Unexcused	2023-02-23 00:00:00 AM	6:20

Figure 36: Records provided to OPS from Lorain City Schools, pursuant to a Grand Jury Subpoena.

PROFESSIONAL STANDARDS | LORAIN

POLICE DEPARTMENT



Additional Attendance Information

Attendance Code Summary		
Code	Count	HB410 Hours
EA (Excused Absence)	3	19:00
UA (Unexcused Absence)	64	405:20
UT (Unexcused Tardy)	1	6:20

House Bill 410 - Attendance Hours		
Total Absence Hours Per Year	Unexcused Absence Hours Per Year	Medical Absence Hours Per Year
430:26	411:27	0:00

Daily Attendance Summary

Last Week					This Week					Absences		Tardies	
M	T	W	H	F	M	T	W	H	F	22-23	YTD	22-23	YTD
UA	UA		UA	UA	UA					67	67	1	1
Attendance Totals										67	67	1	1



Figure 37: Jacob Hall on February 15, 2023. Note his hand in his waistband.



Previous Police Response History at Hildreth's Address

In reviewing the police response history of 126 W. 27th Street in the past twenty-four (24) months, the Department's Crime Analysis Unit noted there have been twenty-four (24) calls for service for that residence. These calls include noise complaints, disturbances, harassment complaints, juvenile complaints, menacing complaints, a sex offense, shots fired calls, and a warrant service. According to LPD's records, there have also been eight cases that include multiple firearm-based offenses. When all "shots fired" calls for the City of Lorain for the past twenty-four months were analyzed, 126 W. 27th Street was within one of the hot spots. The data was further compressed to show the area with the highest concentrations of shots fired calls in the City, 126 W. 27th Street was within this spot, according to Department crime mapping data. While it cannot be said for sure that the residents of 126 W. 27th Street, are the main reason for this concentration of shots fired calls, it is certain based on the crime data that they contributed to it. *See Supplemental Exhibits.*



The August 13, 2022, Encounter with Mary Hildreth

On August 13, 2022, the Lorain Police Department had a similar encounter with Mary Hildreth as they did during the February 15, 2023, incident. During the August 13, 2022, incident, the Department's PIT team attempted to stop Hildreth's son, J'Andre Brazile in the area of E. 31st Street and Pearl Avenue at approximately 1700 hrs. Brazile at the time was riding a red minibike and had a red bag strapped around his chest. Due to the minibike being operated on the roadway, it was in violation of Lorain City Ordinance 375.03 (Prohibited Operation). Lt. Thompson and Officer Akers attempted to stop him; however, Brazile fled from the officers. The officers followed Brazile for a short distance; however, they lost sight of him once he fled into the dead-end of Factory Street, where he had entered onto railroad property and continued along the railroad tracks.

A few hours later, at approximately 2036 hrs., Lt. Thompson and Officer Akers were patrolling the area of W. 27th Street and Lexington Avenue. The officers observed two minibikes traveling east on W. 27th Street. The officers immediately recognized one of the males to be Brazile from the earlier incident. Brazile apparently recognized Lt. Thompson and Officer Akers and without further provocation, began to flee again. The officers followed Brazile and tracked him to the back yard of 126 W. 27th Street (Mary Hildreth's Address). When the officers arrived at the residence, they did not locate Brazile in the back yard; however, they had located his minibike that he had been riding. Shortly after discovering the minibike, Lt. Thompson knocked on the door and made contact with Mary Hildreth (a similar scenario to the February 15, 2023, incident which is the subject of this investigation).



Lt. Thompson explained to Hildreth that her son had taken off twice from them and was operating his minibike recklessly. Lt. Thompson explained that he was weaving in and out of traffic and ultimately was tracked back to her residence. Lt. Thompson told Hildreth, “He needs to come out and we will give him a ticket, and we are taking his minibike.” Hildreth responded, “That’s crazy.” Lt. Thompson told Hildreth that, “What’s crazy is that your son is taking off from the police and risking his life for stupidity...” After a brief conversation, Hildreth went inside and got Brazile and made him come outside to speak to Lt. Thompson. It should be noted, the conversation at that point between Lt. Thompson and Hildreth was very civil and was non-confrontational. Meanwhile, when Brazile came outside, Hildreth told him not to be “disrespectful” towards the officers and also informed him that the police were impounding his minibike.



Figure 38: Mary Hildreth is observed on Lt. Thompson’s BWC speaking with Lt. Thompson on August 13, 2022.

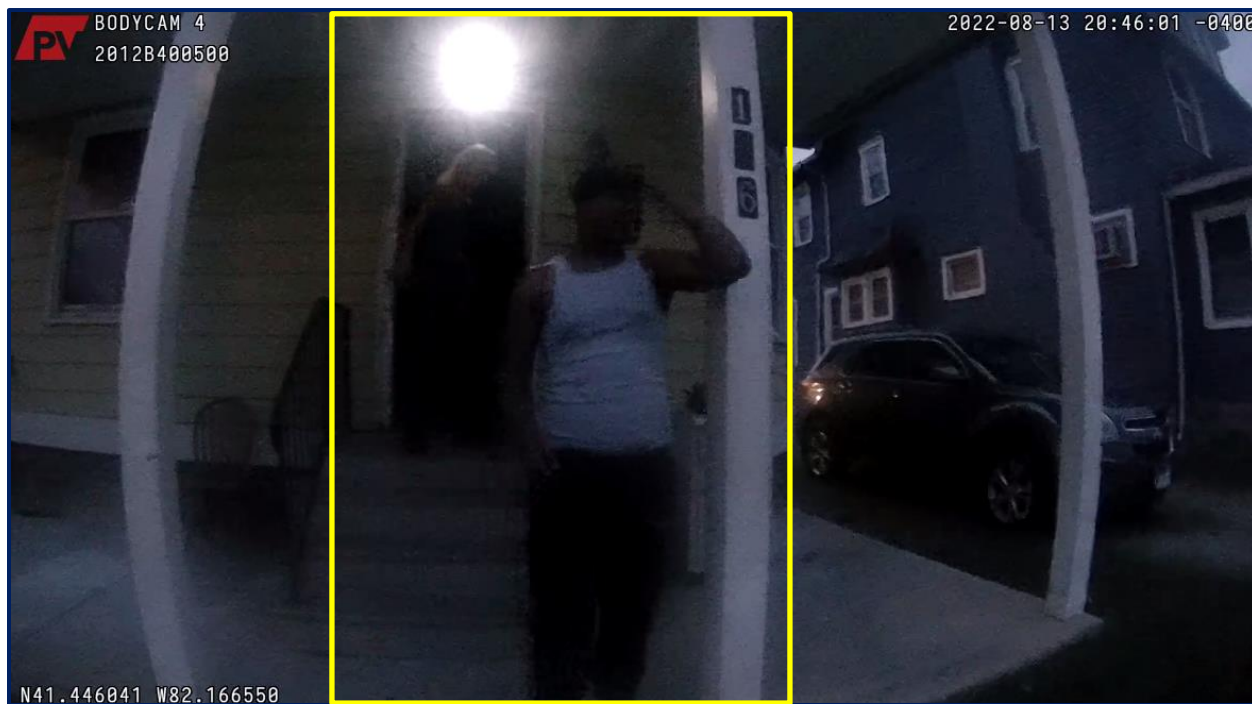


Figure 39: Mary Hildreth and J'Andre Brazile are observed on Lt. Thompson's BWC after Hildreth went inside and told him to come out.

At approximately 2104 hrs., Brazile was subsequently placed under arrest for felony fleeing. When Lt. Thompson informed Brazile he was being placed under arrest, Hildreth responded, "Are you serious? So you just bull-shitted us and said you were just writing him a ticket to get him out here to arrest him...Like that's so petty!" Lt. Thompson responded, "No, it's not because you wouldn't have brought him out if I didn't." Hildreth responded, "What do you mean? I should have just kept him in the fucking house?"

Hildreth continued, "Like that's so petty! Like there is other shit going on...Like that is just bull shit though! Like why, because he's on probation so you feel good to arrest him so his probation officer could think he did some violation...over a little ass bike!"



Hildreth continued her dialog with Lt. Thompson stating, **“That’s bull shit! He didn’t do anything fucking wrong!”**⁴⁶ Hildreth also stated, “And you’re full of shit because you just played the fuck out of me! **I should have just told him to stay in the house** and made you get a fucking search warrant and take the fucking bike! I mean that just fucking dumb! Like that’s fucking retarded! You got nothing better to do than to keep him in jail!...How fucking pathetic is that!? That’s petty!...That’s shit is dumb as fuck!... **I shouldn’t have made him come out of the fucking house!...**”

Refer to Report #2022-27563 and accompanying body camera recordings for additional information.

It should be noted, after reviewing the August 13, 2022, encounter with Lt. Thompson, Hildreth was initially cooperative when she first came in contact with the police. She did as Lt. Thompson asked and went inside and got her son. It was only after Lt. Thompson decided that Brazile would be arrested did Hildreth begin to immediately blame-shift. Instead of recognizing her son’s illegal behavior, which put his own safety and the safety of the community at risk, she immediately shifted blame to the police for their role in the incident. It was clear that in her mind there was no accountability on the part of her son, yet it was the police who were in the wrong, adding that there was “other shit going on.” She also attempted to minimize the situation by stating her son’s behavior was “over a little ass bike!” This incident raises the question if Hildreth has a history making excuses, projecting, and justifying the criminal behaviors of her children.

⁴⁶ Hildreth was not present during the incident to make such a claim.



Ultimately, these encounters highlight a dysfunctional family system, which has been the subject of much academic research, both in the field of criminal justice, social work, and psychology.



Figure 40: J'Andre Brazile being placed under arrest by Lt. Thompson.

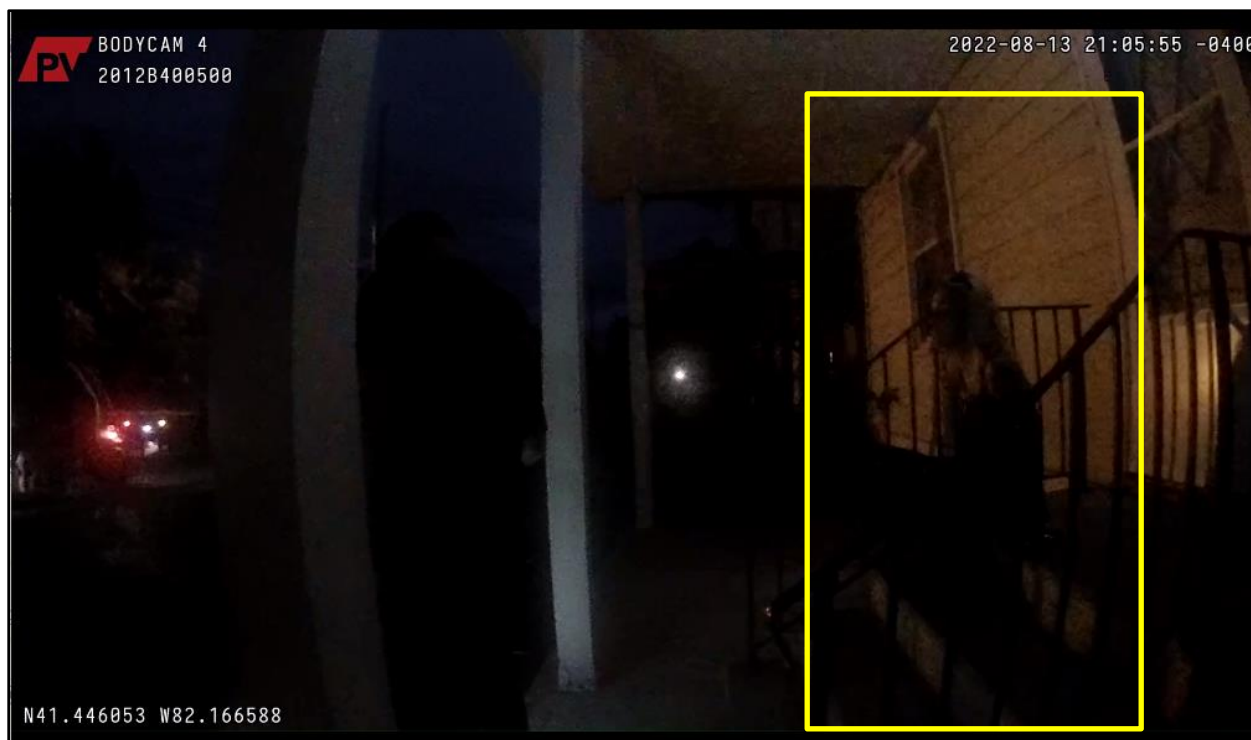


Figure 41: Mary Hildreth conversing with Lt. Thompson after Brazile's arrest.



Lorain Police Department's Partnership with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Local law enforcement agencies routinely partner with federal law enforcement agencies, forming various taskforces. **With regard to the Lorain Police Department's partnership with the ATF, the first and foremost priority is to protect the American people from violent crime.** The ATF is devoted to reducing violent crime committed with firearms and concentrates its efforts in the following areas: (1) illegal firearms trafficking and criminal use of firearms; (2) Criminal Groups and Gangs; (3) Criminal misuse of explosives; and (4) Fire and arson (ATF Public Affairs Division, 2015).

The taskforce between the Lorain Police Department and the ATF performs the following activities and duties: (1) Investigate firearms trafficking; (2) Investigative firearms related violent crime; (3) Gather and report intelligence data relating to trafficking in firearms; (4) Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution before the courts of the United States and the State of Ohio. **The ATF does not assist the Lorain Police Department in enforcing local city ordinances or state statutes.**

According to the ATF's Public Affairs Division (2015), the ATF works to leverage its limited ATF resources to impact violent crime in partnership with state and local law enforcement. Resources available to assist in that effort include:



✚ **Crime Gun Intelligence** – ATF’s unique investigative capabilities, combined with NIBIN technology, are available to support local law enforcement by identifying shooters in real time, allowing law enforcement to strategically intervene with the shooters to prevent further violence. These assets also enable ATF to identify traffickers supplying the crime guns to the jurisdiction.

✚ **Crime Gun Tracing and Information Sharing** – The ATF’s eTrace offers local agencies the ability to electronically input and receive trace results and query firearms trace-related data. ATF’s eTrace includes analytical capabilities for firearms trace information and a referral list capability allowing participating agencies to learn if the purchaser, possessor, licensed place of sale, or recovery location has been identified in other traces by law enforcement agency tracing firearms. The ATF’s collective data sharing enables local law enforcement agencies to share trace information with other participating in-state law enforcement agencies in support of gun trafficking and other investigations. ATF industry operations resources can be leveraged to respond to tracing data, ensuring that commercial sources of crime guns are compliant with regulatory requirements.

✚ **Training, Technical Assistance, and Outreach** – The ATF supports federal, state, local, tribal and international agencies by providing training and technical assistance in a variety of areas aligned with the ATF’s mission. Most significantly, ATF’s National Center for Explosives Training and Research



(NCETR) provides training on explosives and post-blast investigations support, and experienced ATF special agents provide national and localized training on firearms investigative techniques. ATF provides training and technical assistance on gun tracing and ballistics identification capabilities and technologies. ATF also supports community outreach through the Gang Resistance Education and Training (G.R.E.A.T.) program.

✚ **Joint Investigations** – ATF collaborates with local agencies through joint investigations, often supported through the ATF Task Force Officer Program (TFO). TFOs work hand-in-hand with ATF on criminal investigations and have direct access to ATF electronic and information resources, furthering their combined efforts and effectiveness.

✚ **Enhanced Enforcement Initiatives (EEI)** – Cities or regions identified by the Frontline assessment – which includes input from local law enforcement agencies – as experiencing a disproportionate firearms-related violent crime problem or a sharp escalation in such crime are considered for an Enhanced Enforcement Initiative or EEI. An EEI provides enhanced strategic and tactical support tailored to address the identified violent crime problem and the framework to sustain a comprehensive, integrated and intelligence-driven enforcement effort.



Officer Sayers' Conduct in this Incident

Notwithstanding Hildreth's complaint, OPS did review the conduct of Officer Sayers' in this incident, particularly his interaction and communication with Hildreth. Lorain Police Department Policy (Standards of Conduct; Policy 320) requires that officers conduct themselves in ways that are consistent with the values and mission of the Lorain Police Department. Specifically, officers are prohibited from discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Department or the City. In this case, the question is if Officer Sayers was "discourteous" or "disrespectful" in his interaction with Mary Hildreth. To help answer this question, we must first examine the definitions of "discourteous" and "disrespectful." According to Webster's Dictionary, the definition of discourteous is "lacking courtesy, rude." The definition of rude is "being in a rough or unfinished state: crude." Likewise, the definition of disrespectful is "to lack special regard or respect for: to have respect" or "to show or express disrespect or contempt for: insult."

In reviewing the incident, it was clear to OPS that the communication between Hildreth and Sayers was less than ideal. Officer Sayers was confronted with a standoffish Hildreth who clearly signaled that she was going to be uncooperative with the police and not comply with their demands. Hildreth was also exhibiting signs of outward hostility⁴⁷, a lack of

⁴⁷ A person's emotional intelligence should be examined in these types of encounters. Emotional intelligence is the ability to perceive, interpret, demonstrate, control, and use emotions to communicate with and relate to others effectively and constructively. This ability to express and control emotions is essential, but so is the ability to



education, and having a clear aversion to authority. However, when it comes down to it, people have a deep and universal human need for autonomy. People need to feel in control and respected, especially while at their own home. When the police attempt to use their authority in a stressful situation, the communication process can go amiss, especially as it did in this case.

At the very beginning of the encounter, Officer Sayers was at a heightened emotional state because he possessed the knowledge and criminal intelligence that the suspects he was attempting to stop may be armed and the house that they had fled into had been involved in a previous shooting investigation and other criminal activity. But at some point, Officer Sayers should have de-escalated the situation and attempted to improve the communication with Hildreth, even if she was going to remain obstinate (The communication between Hildreth and Officer Sayers initially started off poorly and had very little chance to improve). If he couldn't establish a productive dialog and calm his emotions, he should have taken a step back and allowed another officer to attempt to calm Hildreth down and establish better communication. In fact, that is what Agent Fabrizio attempted to do, but was interrupted by Officer Sayers at one point.

Theoretically, successful de-escalation should resolve the tension and conflict between officers and citizens because it encourages mutual respect between these historically opposing

understand, interpret, and respond to the emotions of others. Having lower emotional intelligence skills can lead to a number of potential pitfalls that can affect multiple areas of life including work and relationships. People who have fewer emotional skills tend to get in more arguments, have lower quality relationships, and have poor emotional coping skills (Salovey & Mayer, 1990).



social groups. Empirical studies have found a citizens' demeanor is an important predictor of police actions, regardless of whether the citizen was involved in any rule breaking behaviors (Black, 1971; Brown, 1988). Sykes and Brent (1980) found officers typically reassert their control using verbal force. Van Maanen (1978) theorized that officers ratchet up their response if someone is acting like "an asshole" by disrespecting the officer's authority. Alpert and Dunham (2004) confirmed that officers make multiple efforts to reassert control in a spiraling situation. In response, the authors identified that citizens usually react negatively to these efforts by increasing their levels of resistance to the police. It is important to note the research examining police-citizen interaction in this case because the studies highlight the importance of the interplay among behaviors in determining the outcome, rather than any single word or action.

The Lorain Police Department generally expects officers to attempt to de-escalate situations when they are confronted with hostile, threatening, violent, or an offensive person. In fact, the Lorain Police Department has recently trained its officers in de-escalation techniques. The ideals of de-escalation would dictate that the officers converse with citizens compassionately and empathetically, in spite of their antagonism, to make an effort to understand their perspective, and to stand back and consider the situation before taking any immediate action. The underlying motive of these tactics is to exact the individual's compliance. However, in this case, Hildreth was clearly acting irrational, and could not hold a productive conversation, so there is some question if attempts to de-escalate her would be successful. In fact, Sgt. Vrooman and Lt. Manicsic also attempted to talk to Hildreth, but those attempts proved unsuccessful to de-escalate the conflict and the officers ended up leaving.



Hildreth contends that Officer Sayers should “hold himself accountable” and was clearly unable to “empathize” with her situation. Hildreth also alleged that to Officer Sayers, it was “all about the badge and the authority” and not treating her with the respect she would expect from a public servant. In her interview, Hildreth also noted that she struggles with anxiety, and due to Officer Sayers “being hopped up” it caused her to act accordingly like she was “arguing with one of [her] kids.”

Nonetheless, if we examined Officer Sayers’ tone and dialog throughout the entire encounter, OPS must conclude that he was discourteous and unprofessional towards Hildreth at several points of their encounter, her antagonism notwithstanding. Officer Sayers is the professional and is held to a higher standard than a general member of the public. When stakes are high, opinions vary, and emotions start to run strong, conversations transform into crucial ones. Ironically, the more crucial the conversation, the less likely it is to be handled well. When conversations turn from routine to crucial, our human instincts conspire against us. Strong emotions don’t exactly prepare us to converse effectively. Countless generations of genetic shaping drive humans to react to interpersonal threats the same way we deal with physical ones. Our natural tendencies in moments that seem threatening, lean toward fight or flight rather than listen and speak (Grenny et al., 2022).

In this case, Hildreth saw the interpersonal play between her and Officer Sayers as a threat and responded accordingly. Officer Sayers failed to fully recognize this dynamic and allowed Hildreth to get under his skin because to him, Hildreth was making his job difficult, and he was



the one with the police authority. These types of situations must be overcome through effective communication, not the type of communication Officer Sayers had in this encounter. Moreover, officers frequently interact with persons who are less receptive to verbal de-escalation tactics. When officers are confronted with people who act like Hildreth, the goal of gaining calm compliance is exponentially more challenging because citizens are more difficult to communicate and reason with. These challenges have been echoed by the Police Executive Research Forum (2012), “Situations often are complicated when, because their conditions, persons cannot communicate effectively with police officers. In some cases, they may appear to be threatening or uncooperative, when in fact they are unable to understand an officer’s questions or orders.” Finally, and perhaps most complicated, “there are some people who are simply committed to disobeying police orders and it is difficult to persuade or rationalize with them.”

Officers are also expected to use the principles of procedural justice. Procedural justice refers to a concept involving four central principles designed to build public confidence in the police: 1) Treating people with dignity and respect; 2) Giving individuals a chance to be heard during encounters; 3) Making decisions fairly and transparently, based on facts; and 4) Conveying goodwill and trustworthiness.⁴⁸ In this case, Officer Sayers’ conduct was notably lacking in attempting to treat people with dignity and respect. Hildreth even stated in the encounter that she felt “disrespected.” The recommended response for a police department pertaining to complaints

⁴⁸ Trustworthy measures are measured by the extent to which officers showed care and concern, which includes the officer asking or showing concern about the citizen’s well-being and taking some action to assist the citizen.



of disrespect is mediation between the officer and the citizen.⁴⁹ In fact, the Lorain Police Department attempted to mediate this situation with Mary and Joseph Hildreth by sitting down with them and a community activist in order to review the situation and attempt to build understanding and lessen conflict.

Accordingly, OPS must conclude that Officer Sayers was discourteous to Hildreth at several points of their encounter. His temperament in the overall incident was less than desirable. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. Department policies are to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of the department under the circumstances reasonably available at the time of any incident.⁵⁰ OPS recognizes the fact that there are times where officers are forced to raise their voice in order to gain compliance from a citizen; however, in OPS's view the situation could have been handled better. That is not to say the entire encounter was handled wrong by Officer Sayers. Officer Sayers

⁴⁹ U.S. Department of Justice; Office of Community Oriented Policing Services. "Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders" (2002).

⁵⁰ **Disclaimer:** The policies contained in the Lorain Police Department Manual are for the internal use of the Lorain Police Department and shall not be constructed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or members. Violations of any provision of any policy contained within the department's policy manual shall only form the basis for department administration action, training, or discipline. The Lorain Police Department reserves the right to revise any policy content, in whole or part.



should review this encounter and consider it an opportunity to hone his communication skills and improve his response in a way that will address some of the long-standing criticisms directed at contemporary American policing, especially in urban communities. *See Supplemental Exhibit.*



Investigative Findings

Based on the foregoing, the complaint against Officer Sayers by Mary Hildreth is **Exonerated**⁵¹ with respect to Allegation # 1 and **Unfounded**⁵² with respect to Allegations #'s 2, 3, & 4.

In its review, OPS did find a violation of Lorain Police Department Policy 320, based on a preponderance of the evidence standard.⁵³ Specifically, *“Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.”* OPS’s complaint is **Sustained / Other Misconduct Found**.⁵⁴

The complaint against Sergeant Vrooman and Lieutenant Manicsic is **Exonerated**. By a preponderance of the evidence, there is insufficient evidence to suggest that Sergeant Vrooman’s

⁵¹ If the alleged act occurred, but the action was lawful and proper.

⁵² The allegation was demonstrably false or there is no credible evidence to support the complaint.

⁵³ Preponderance of the evidence is one type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true. In other words, there is the greater weight of the evidence to tip a scale slightly.

⁵⁴ If the investigation reveals sufficient evidence to indicate other infractions not based in the original complaint.



and Lieutenant Manicsic's conduct was conduct unbecoming of a Lorain Police Officer or in violation of the mission, goals, objectives, and other pertinent directives and practices of the Lorain Police Department, based upon Hildreth's written complaint. In other words, their actions were proper and within Department policy and procedure, given the circumstances at the time.

Additionally, there is evidence of other crimes committed in this case that should be forwarded to the Lorain City Prosecutor and the Lorain County Prosecutor for review and criminal prosecution, based upon a determination of probable cause.



OPS Recommended Referrals for Criminal Charges

Mary Hildreth

In addition to the Obstructing Official Business charge⁵⁵ Officer Sayers already filed against Hildreth for generally obstructing his investigation by harboring the suspects in her residence, OPS recommends an additional charge based on OPS's review of the entire incident:

- **Obstructing Official Business, §2921.32:** "No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties."

Mary Hildreth unlawfully obstructed Officer's Sayers criminal investigation by refusing to identify herself, to include refusing to provide Officer Sayers her full name and date of birth, in violation of law.

⁵⁵ This charge was initially authorized by Lorain City Prosecutor M. Santiago on the date of the incident, after she was briefed via phone by Lt. Manicsic, while the incident was still unfolding. The Prosecutor had not had the opportunity to review all the video of the incident and the subsequent investigative reports. Prosecutors are independent from the Police Department and have final charging authority in criminal matters.



Jordan Barnette

- **Obstructing Official Business**, §2921.32: “No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official’s official capacity, shall do any act that hampers or impedes a public official in the performance of the public official’s lawful duties.”

Jordan Barnette unlawfully failed to comply with Officer Sayer’s emergency signals and orders to stop and instead fled from Officer Sayers into 126 W. 27th Street.

- **Walking Along Highways**, §371.05: “Where a sidewalk is provided and its use is practicable, no person shall walk along and upon an adjacent roadway.”

Jordan Barnette unlawfully walked along W. 27th Street, where a sidewalk was provided and its use was practicable.



Jacob Levi Hall

- **Obstructing Official Business**, §2921.32: “No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official’s official capacity, shall do any act that hampers or impedes a public official in the performance of the public official’s lawful duties.”

Jacob Hall unlawfully failed to comply with Officer Sayer’s emergency signals and orders to stop and instead fled from Officer Sayers into 126 W. 27th Street.

- **Walking Along Highways**, §371.05: “Where a sidewalk is provided and its use is practicable, no person shall walk along and upon an adjacent roadway.”

Jacob Hall unlawfully walked along W. 27th Street, where a sidewalk was provided, and its use was practicable.



Unidentified Juvenile (Terius Campbell)

- **Obstructing Official Business**, §2921.32: “No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official’s official capacity, shall do any act that hampers or impedes a public official in the performance of the public official’s lawful duties.”

Unidentified Juvenile (Terius Campbell) unlawfully failed to comply with Officer Sayer’s emergency signals and orders to stop and instead fled from Officer Sayers into 126 W. 27th Street.

- **Walking Along Highways**, §371.05: “Where a sidewalk is provided and its use is practicable, no person shall walk along and upon an adjacent roadway.”

Unidentified Juvenile unlawfully walked along W. 27th Street, where a sidewalk was provided, and its use was practicable.

Further investigative efforts are currently underway to verify Campbell’s identity.



OPS Recommendation for Re-Instruction and Training

Due to the fact Officer Sayers has no previous disciplinary history, OPS recommends that the Division Captain or his supervisor issue him a non-disciplinary letter of re-instruction regarding the Department's Standards of Conduct policy (Policy 320), specifically that he is not to act discourteously to the public, and that letter be documented in the LEA for a term which complies with the officer's Collective Bargaining Agreement.⁵⁶

⁵⁶ There are several relevant factors that the Department must consider in deciding an appropriate disciplinary penalty for an employee. For example: 1. The nature and seriousness of the offense and its relationship to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously for gain, or was frequently repeated; 2. The employee's job level and type of employment, including supervisory or fiduciary role, contact with the public, and prominence of the position; 3. The employee's past disciplinary record; 4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers and dependability; 5. The effect on the offense upon the employee's ability to perform at a satisfactory level and its effect on supervisors' confidence in the employee's ability to perform assigned duties; 6. Consistency of the penalty with those imposed upon other employees for the same or similar offense; 7. The notoriety of the offense or its impact upon the reputation of the agency; 8. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question; 9. The potential for the employee's rehabilitation; 10. Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of the others involved in the matter; 11. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.



Additionally, OPS recommends Officer Sayers undergo additional de-escalation training, to include learning the principles and strategies of effective human communication, especially when dealing with problematic members of the public who are extremely angry and seemingly out of control.



Conclusion & Submittal

Acting under the color of office and at the direction of the Chief of Police, this investigation should be submitted to the Chief of Police for review, in accordance with department protocols. OPS recommends that further action be taken by the Division Captain, the Lorain City Prosecutor, and the Lorain County Prosecutor, based on the information contained in this investigative report. OPS's investigation into this incident is considered closed. If any additional information or evidence becomes available, the investigation will be revised as necessary to consider all the information available.

Respectfully Submitted:



A handwritten signature in blue ink, appearing to read "K. J. Gelenius".

Sgt. K. J. Gelenius, M.S.
Internal Affairs Investigator
Office of Professional Standards
Lorain Police Department

Date Submitted: March 27, 2023



Appendix A

Corresponding Exhibits & Investigative Work Product.