

TO: Members of the Accountability Committee
Ret. Hon. Michael Nelson, Chair Pro-tem
James Chura, Committee Member
Maya Kincaid, Committee Member
Sheila Mason, Committee Member
Shandra Moriera-Benito, Committee Member

CC: Dr. John Adams, Co-Chair
Sharena Zayed, Co-Chair

FROM: Alix M. Nouredine, Interim Executive Director

DATE: September 10, 2025

RE: Case ~~2025-CPC-001~~ CPC-002

I. JURISDICTION AND RELEVANT AUTHORITIES

Pursuant to City of Cleveland Charter § 115-5(h)(i), the Community Police Commission (“CPC” or the “Commission”) “serv[es] as the final City authority on whether the discipline of police officers imposed or not imposed by the . . . executive head of the police force . . . is sufficient” Toward that end, the CPC is empowered with discretionary authority to “hold evidentiary hearings to review individual officer discipline following any proceedings and decisions by . . . [the] executive head of the police force” *Id.* The executive head of the police force is the Chief Director of the Department of Public Safety. See City of Cleveland Charter § 135.01. Chief Director Donat A. Drummond (“Director Drummond”) is the current officeholder of the post.

A request for the CPC to review the discipline “imposed or not imposed” by the relevant authority may be made *sua sponte* by the CPC. CPC Operations & Procedures Manual, Rule 2.6.

The CPC, *sua sponte*, through the directive of its Co-Chairs, has requested the undersign conduct a review of the discipline “imposed or not imposed” upon Patrol Officer Todd Kilbane #2234 (“Officer Kilbane”) by the executive head of the police force, Director Drummond.

II. PROCEDURAL HISTORY

A. CASE FILE AND REQUEST

On August 12, 2024, the CPC requested the file for the incident that provides the basis of the within matter. On September 4, 2024, 23 days later, the CPC received the case file. Recently, the CPC Co-Chairs requested the undersign complete a Case Package on the matter.

The full case file is located on the SharePoint page between CDP and CPC under 2024-CPC-013, and incorporated herein. The full case file purportedly contains audio and/or videos interviews and potentially other video and/or audio evidence; however, the undersigned cannot

access such footage. Specifically, the footage requires an Evidence.com login, and despite numerous efforts to obtain login information, including on August 19, 2025, August 26, 2025, and August 28, 2025, the undersigned has not been provided login credentials.

B. UNDERLYING ADMINISTRATIVE DISCIPLINARY PROCEEDINGS

On March 6, 2024, based upon the results of an Internal Affairs investigation, Director Drummond issued a Pre-Disciplinary Hearing Letter (“PDH Letter”) to Officer Kilbane. The PDH Letter concerned two incidents that occurred on or about October 29, 2023 and on or about December 6, 2023. A copy of the PDH Letter is attached hereto as Exhibit A.

The PDH Letter notified Officer Kilbane of two specifications – i.e., administrative disciplinary charges – that he was alleged to have committed. *Id.*

Specification #1 charged Officer Kilbane with violating the Manual of Rules 2.01¹ by allegedly “misle[ad]ing” the Medina Police Department” during their questioning of Officer Kilbane while conducting an “initial investigation into [a] complaint” made against him while he was off-duty. *Id.*

Specification #2 charged Officer Kilbane with violating the Manual of Rules 2.01 as a result of his being “found by the Domestic Relations Division of Medina County Court (Case 2023DV0211) to have engaged in a pattern of conduct from September 2023 to November 2023, satisfying the elements of Menacing by Stalking (ORC 2903.211) and causing mental distress” *Id.*

The violations of both specifications fell within Group III of the disciplinary matrix, as provided in the Disciplinary Guidance policy in effect at the time of the incident. *Id.* See also Disciplinary Guidance, 1.07.06, attached hereto as Exhibit I.

A pre-disciplinary hearing was held on March 15, 2024, over which Director Drummond presided. The pre-disciplinary hearing afforded Officer Kilbane his right to be heard. See PDH Letter. Officer Kilbane, various union representatives, the IA unit, Assistant Director of Law Smoot, and other City officials attended the hearing. Officer Kilbane pled ‘not guilty’ both Specifications. A copy of the Disposition Letter is attached hereto as Exhibit B.

After the hearing, on April 24, 2024, Director Drummond issued a Disposition Letter. *Id.* Director Drummond determined that Officer Kilbane “did mislead the Medina Police Department during their initial investigation into a complaint filed against [Officer Kilbane].” *Id.* However, based upon Officer Kilbane’s testimony at the hearing “admit[ing] to and t[aking] responsibility of [his] conduct when questioned under oath[,]” Director Drummond amended Specification #1 to a Group II violation. *Id.* Director Drummond reasoned that the conduct “more closely comports with a Group II violation” – “conduct that is contrary to the values of the Division, or that interferes

¹ A copy of Manual of Rules 2.01 is attached hereto as Exhibit C. Rule 2.01 provides that “Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.”

with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.” *Id.* Director Drummond resultingly found Officer Kilbane ‘guilty’ of the amended Specification #1 and imposed a six-day suspension upon Officer Kilbane. *Id.*

Director Drummond found Officer Kilbane ‘not guilty’ of Specification #2 and dismissed the same, without further remarks or explanation. *Id.*

This review ensued.

III. CASE SUMMARY & INVESTIGATION

This matter originated from an investigation of the Internal Affairs Unit of the Cleveland Division of Police (“IA”). On January 24, 2024, Sgt. Michael Matson of IA authored a final investigative report on the matter (“IA Report”). A copy of Sgt. Matson’s IA Report is attached hereto as Exhibit D.

Sgt. Matson’s IA Report details alleged instances of (mis)conduct of Officer Kilbane toward his then-wife [REDACTED], beginning in or around October 2023. The IA Report notes the existence of numerous police reports that [REDACTED] filed against Officer Kilbane with the Brunswick Police Department during the relevant timeframe. The reports concern, in part, Officer Kilbane’s allegedly placing tracking devices in and on [REDACTED] vehicle, confronting [REDACTED] in a hostile manner, and entering [REDACTED] vehicle while unoccupied to gain access to her phone.

A. FACTS AND INVESTIGATION SURROUNDING SPECIFICATION #1 – MISLEADING MEDINA POLICE DEPARTMENT

As relevant here, the IA Report specifies an incident that occurred on October 30, 2023 between [REDACTED] and Officer Kilbane, and was reported to the Medina Police Department (“Medina PD”). Specifically, [REDACTED] alleged that Officer Kilbane placed a GPS recording device in her vehicle. On the night in question, [REDACTED] alleged that Officer Kilbane confronted her in the parking lot at her son’s apartment building. [REDACTED] stated that while she was in her car, parked in the parking lot, she was on the phone, and Officer Kilbane approached her car window while the vehicle remained in park. [REDACTED] further stated that Officer Kilbane said something to her, though she did not know what, and he then took off, speeding away in his vehicle. *See also* City of Medina PD Report (“Medina PD Report”), attached hereto as Exhibit E.

The Medina PD contacted Officer Kilbane to explain [REDACTED] report against him. Officer Kilbane denied to the Medina PD of his being in Medina at the time of the incident, and denied placing a recording device in [REDACTED] car. *See* IA Report & Medina PD Report. Upon investigation by Medina PD, however, it was discovered through Medina PD’s license plate detection system that Officer Kilbane’s vehicle was located in Medina at both 5:56 and at 9:13 that evening—17 minutes prior to [REDACTED] call to Medina PD. *See* Medina PD Report.

During Officer Kilbane’s Garrity Interview with IA, Officer Kilbane admitted to placing a recording device inside [REDACTED] vehicle. *See* IA Report. Officer Kilbane “stated [that] the reason for the recorder was to find out who [REDACTED] was running around with.” *Id.* In

addition, during that interview, Officer Kilbane “admitted that he told [Medina PD that] he was not at the apartment” during the incident in question. *Id.*

Based on the foregoing investigation and information, Sgt. Matson’s IA Report found that “Officer Kilbane misled the Medina Police Department by providing misleading facts about being at the residence and about the recording device during their initial investigation, Obstructing the Official Business (2921.31) of the Medina Police Department.” *Id.* As a result, Sgt. Matson found that, based upon the preponderance of the evidence, this allegation should be sustained. *Id.*

At the next level of internal administrative review, Lt. Cajka, the Officer-in-Charge (“OIC”) of IA, reviewed Sgt. Matson’s IA Report. See Internal Affairs Invest Report (“IA Command Report”), attached hereto as Exhibit F. Lt. Cajka found that Sgt. Matson “completed a fair, impartial, and objective investigation.” *Id.* In addition, Lt. Cajka “fully concurred” with [Sgt. Matson’s] findings that based on review of the body camera footage, reports, interviews, court documents, audits, and all other associated documents[,] the preponderance of the evidence support[ed]” Sgt. Matson’s findings as contained in his IA Report. *Id.*

Relative to Specification #1, Lt. Cajka opined that the allegation against Officer Kilbane for “obstructing the evidence being conducted” by Medina PD should be sustained. *Id.* As a result, Lt. Cajka preferred charges against Officer Kilbane based upon this conduct, finding that it violates Manual of Rules 2.01. *Id.*

The Superintendent of IA conducted the final level of internal administrative review. See IA Command Report, pgs 6-7. The Superintendent agreed that the evidence supported the finding that Officer Kilbane “did mislead the Medina [PD] during an official investigation by claiming he was not present [in Medina] when in fact he was, as evidenced by traffic camera footage and [Officer] Kilbane’s admissions.” *Id.* The Superintendent concluded that “[t]his action would be a violation of the crime of Obstructing Official Business (2921.19)” and recommended that this allegation be sustained and “that formal disciplinary specifications be drafted and preferred through toe Office of Chief for administrative disposition as indicated” in the IA Report. *Id.*

B. FACTS AND INVESTIGATION SURROUNDING SPECIFICATION #2 – MENACING BY STALKING

The IA Report notes that, on October 30, 2023, [REDACTED] filed a Petition for a Civil Protection Order (the “Petition”) in the Medina County Court of Common Pleas, Domestic Relations Division against Officer Kilbane. The case was assigned as Case No 2023DV0211 (the “Civil Protection Order Case”). A copy of the Petition and associated Temporary Order of Protection is attached hereto as Exhibit G.

The Petition alleged numerous instances of Officer Kilbane’s threats and actions toward [REDACTED]. The allegations in the Petition include, but are not limited to, Officer Kilbane: (1) placing tracking devices on [REDACTED] vehicle, on numerous occasions; (2) entering into [REDACTED] unoccupied vehicle while she was located in a restaurant and attempting to gain access to her phone, which was left in her vehicle; (3) entering [REDACTED] house and attempting to

open her locked bedroom door, while speaking to her in a deranged voice, resulting in [REDACTED] being fearful of what Officer Kilbane would do to her; and (4) the incident that occurred in Medina.

1. The Magistrate Judge’s Decision

The Magistrate Judge presiding over the Civil Protection Order Case denied [REDACTED] Petition. A copy of the Magistrate’s Decision (the “Decision”) is attached hereto at Exhibit H. The Magistrate Judge concluded that, based upon the testimonial and documentary evidence presented at the hearing on the Petition, [REDACTED] did not meet the legal standard required under Ohio law to issue a five-year domestic violence order of protection; namely, that the protection order was necessary “to bring about cessation of domestic violence” and the protection order was necessary “to prevent further domestic violence.” See R.C. 3113.31(E)(1). See also Decision, ¶ 40 (concluding that a protection order was “not required to bring about the cessation of violence or to protect [REDACTED] from further violence[]”).

Notwithstanding the Magistrate Judge’s ruling, the Magistrate expressly opined that the “basic elements of menacing by stalking[.]” in violation of R.C. 2903.211(A)(1), “ha[d] been met,” based upon the [REDACTED] allegations and evidence in support thereof. *Id.*

The Menacing by Stalking statute under R.C. 2903.211(A)(1) provides “No person by engaging in a **pattern of conduct** shall **knowingly** cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause **mental distress** to the other person or a family or household member of the other person.”² (Emphasis added.) See also Decision, ¶¶ 26-32.

First, the Magistrate found that Officer Kilbane “engaged in a pattern of conduct (October 8, 2023 GPS tracker and the October 29, 2023 audio recording device).” *Id.* ¶ 34. Second, the Magistrate found that Officer Kilbane “knew or should have known based on communication with [REDACTED] that she did not want to be tracked (despite their family’s historical practice) and he knew or should have known that his repeated conduct was causing her distress.” *Id.* ¶ 35. Lastly, the Magistrate found that [REDACTED] “suffered mental distress from [Officer Kilbane’s] actions.” *Id.* ¶ 36.

² A “pattern of conduct” is defined to mean “two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents . . .” R.C. 2903.211(D)(1).

R.C. 2901.22(B) provides that “A person acts knowingly, regardless of purpose, when the person is aware that the person’s conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.”

Lastly, the term “mental distress” is defined to mean either: “ (a) Any mental illness or condition that involves some temporary substantial incapacity; [or] (b) Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services”

2. The IA Report and IA Command Report

Sgt. Matson concluded in the IA Report that “the preponderance of the evidence support[ed] that Officer Kilbane engaged in Menacing by Stalking (ORC 2903.211) that allegedly caused distress to [REDACTED]”

In addition to the Decision in the Civil Protection Order Case, Officer Kilbane’s Garrity interview supported Sgt. Matson’s conclusion. See IA Report. Specifically, when questioned, Officer Kilbane admitted both to placing the tracking device on [REDACTED] vehicle on October 8, 2023 and the recording device inside her vehicle on October 29, 2023. *Id.* As a result, Sgt. Matson found that the existence of such misconduct violated Manual of Rules 2.01. *Id.* See also Manual of Rules 2.01 (providing that officers “shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, . . . nor shall they engage in any conduct that **would constitute a crime** under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.” (emphasis added)).

Based on the foregoing investigation and information, Sgt. Matson’s IA Report found that the preponderance of the evidence supported “that Officer Kilbane engaged in Menacing by Stalking (ORC 2903.211) that allegedly caused mental distress to [REDACTED]” As a result, Sgt. Matson concluded that this allegation should be sustained.

At the next level of internal administrative review, Lt. Cajka opined the allegation against Officer Kilbane for “engaging in a pattern of activities that would constitute the crime of Menacing by Stalking” was supported by the preponderance of the evidence and should be sustained. See IA Command Report. Lt. Cajka noted that the evidence supported finding that Officer Kilbane placed tracking and recording devices in and on [REDACTED] vehicle on numerous occasions. Lt. Cajka thus concluded that these “acts in totality . . . would be considered Menacing by Stalking[.]” in violation of Manual of Rule 2.01 *Id.*

The Superintendent of IA agreed with Lt. Cajka’s conclusion. *Id.*, pgs. 6-7. The Superintendent concluded that Officer Kilbane’s “conduct overall met the elements of the crime of Menacing by Stalking (2903.211) as independently found by the Medina County Domestic Relations Court.” *Id.* The Superintendent thus recommended that this allegation be sustained and “that formal disciplinary specifications be drafted and preferred through the Office of Chief for administrative disposition as indicated” in the IA Report. *Id.*

IV. DISCIPLINARY CASE COMPARISONS AND ANALYSES

Due to a lack of information and documentary support, the undersigned is unable to provide an analysis of case comparisons and resulting discipline.

V. REVIEW OF POSSIBLE COMMISSION DECISIONS

The Commission’s overall decision is “whether the discipline of police officers imposed or not imposed by the . . . executive head of the police force . . . is sufficient” City of Cleveland Charter § 115-5(h)(i). The Accountability Committee’s threshold question when reviewing a Case

Package is to decide “whether to have a hearing or to make a recommendation to the full Commission not to review the case[.]” See CPC Operations & Procedures Manual 2.6.3(1). The standard of review guiding this decision is “whether the Committee determines that the facts in a case provide a reasonable basis that may warrant the Full Commission to modify a disciplinary decision[.]” *Id.* At 2.6.3(1)a.

A. DISCIPLINE OVERVIEW AND ADMINISTRATIVE APPLICATION

This Committee’s decision in determining whether the issuance of discipline imposed or not imposed by the reviewing agency should be modified is shaped by the corrective action/disciplinary policy in effect at the time of the conduct. This policy is colloquially referred to as the “Disciplinary Matrix.” A copy of the applicable Disciplinary Guidance policy, GPO 1.07.06, in effect at the time of Officer Kilbane’s conduct is attached hereto as Exhibit I.

Both Specifications against Officer Kilbane were charged as Group III violations. A Group III violation carries with it a “range from a ten-day suspension to demotion or termination.” Disciplinary Matrix, I.J.3. The Disciplinary Matrix does not explicitly reference within which Group level a violation of Manual of Rules 2.01 falls. Nonetheless, because the Specifications were charged initially as Group III violations, the within analysis presumes that the Group III classification for violation of Manual of Rule 2.01 is proper.³

The range of appropriate discipline for Group III violations is dependent upon: (1) the existence of any prior Group III violations found against the officer; (2) the specific act(s) of misconduct under consideration; and (3) the existence and weighing of any aggravating and/or mitigating factors. See *generally id.* In addition, and as potentially relevant here, the Disciplinary Matrix provides that any “false statement, untruthfulness, or dishonesty” carries with it a presumption of termination. *Id.*, I.J.3.j.

Notwithstanding the foregoing, Director Drummond amended Specification #1 to a “First Group II violation range of the discipline matrix . . .” See Disposition Letter. Director Drummond reasoned that testimony presented at Officer Kilbane’s “hearing indicated that [Officer Kilbane] did admit to and took responsibility [for his] conduct when questioned under oath.” Director Drummond further found that “the mitigating factors (*no active discipline*) outweigh[ed] [the] aggravating factors (*none*).” *Id.* (emphasis in original). And the applicable discipline range for a “First Group II violation [when] mitigation factors outweigh any aggravating factors or no aggravating factors [are] present” is a six- to seven-day suspension without pay. Disciplinary Matrix, I.J.2.a. Director Drummond ultimately imposed a six-day suspension without pay on the basis of his finding Officer Kilbane guilty of amended Specification #1. Disposition Letter.

Director Drummond summarily dismissed Specification #2 against Officer Kilbane, without reason or explanation.

³ Depending on the internal administrative characterization of the conduct, the specifications may be categorized as a false statement, untruthfulness, dishonesty, and/or a serious misdemeanor offense. See R.C. 2903.211(B)(1) (providing that the offense of menacing by stalking constitutes a first-degree misdemeanor)

B. COMMISSION DISCIPLINARY OPTIONS

CPC Operations and Procedures Manual Rule 2.6.5.3 provides the Commission various options when assessing the appropriateness of a discipline issued. As relevant to the within matter, the Commission may “increase the previous discipline decision, [] impose discipline where previously there was none[] . . . [or] affirm the previous discipline decision or lack thereof” CPC Operations and Procedures Manual Rule 2.6.5.3(1)-(3). As such, based upon the Case Package, the possible decisions the Commission could make are as follows:

1. As to Specification #1:
 - a. Increase to a Group III violation, as initially charged, and impose discipline consistent with the applicable Group III range as decided by the Commission; or
 - b. Affirm the six-day suspension without pay.
2. As to Specification #2:
 - a. Impose discipline within the applicable Group III violation range or within any other Group violation as decided by the Commission; or
 - b. Affirm the lack of previous discipline imposed.

VI. SPECIAL CIRCUMSTANCES OR CONCERNS

CPC Operations and Procedures Manual Rule 2.6.2 provides that the Case Package shall include “any additional special circumstances or concerns that may be relevant to the decision to review the case, including an explanation of any documents or records the Executive Director believes to be missing from the case file transmitted by the reviewing agency.”

The undersigned does not believe there are specific, additional, or special circumstances or concerns that are relevant to the decision to review this case. However, the undersigned notes first that he was unable to review the video and/or audio footage associated with the underlying incident and IA investigation. Nonetheless, the IA Report and the additional items and documents contained in the ‘Full Case File’ summarize the footage. If the Commission desires to review the footage independently, an Evidence.com login will be required.

The undersigned notes secondly that he did not have access to the officer’s personnel file. The personnel file was requested as part of the same request as the case file, on August 12, 2024. Although on September 4, 2024, the City asserted that it produced all documents associated with the request, upon the undersigned review of the within matter, it was discovered that the personnel file was not produced. As a result, on September 5, 2025, the undersigned again requested the officer’s personnel file. That request remains outstanding to date.

Although the officer’s personnel file may not be directly relevant to the Committee’s decision take up the case for review, the officer’s disciplinary history, as would be contained within his personnel file, could inform the Commission’s ultimate conclusion of the appropriateness of the disciplinary decision or lack thereof. CPC Operations and Procedures Manual Rule 2.6.5.3 (providing that the Commission shall determine whether to “increase the previous discipline decision, [] to impose discipline where previously there was none[.]” or “[t]o affirm the previous discipline decision or lack thereof[.]”

In addition, based upon the Disciplinary Matrix, the officer's prior history of discipline is relevant in determining the applicable range for the appropriateness of discipline to impose.

VII. CONCLUSION

The role of the CPC under City of Cleveland Charter § 115-5(h)(i) is to “serv[e] as the final City authority on whether the discipline of police officers imposed or not imposed by the . . . executive head of the police force . . . is sufficient” Toward that end, the CPC is endowed with discretionary authority to “hold evidentiary hearings to review individual officer discipline following any proceedings and decisions by the . . . executive head of the police force” *Id.* Any order by the Commission concerning officer discipline is considered final and must be imposed by the executive head of the police force. *Id.*

EXHIBIT A



City of Cleveland

Justin M. Bibb, Mayor

Pre-Disciplinary Hearing Letter

Department of Public Safety

Dornat A. Drummond, Chief Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-2560 * Fax 216/664-3734
www.cleveland-oh.gov

March 6, 2024

Patrol Officer Todd Kilbane #2234
Fifth District Headquarters
881 East 152nd Street
Cleveland, Ohio 44110

Re: CPD2023-0129

Patrol Officer Kilbane #2234:

Please be advised, in accordance with Article 28 of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, a pre-disciplinary hearing has been scheduled to determine whether you violated the following provisions of the Manual of Rules, Department of Public Safety and the Rules of the Civil Service Commission of the City of Cleveland.

STATEMENT OF POLICY

In part: The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of Divisional charges which can result in suspension, loss of pay, demotion or termination. The rules and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and a General Police Order, the Rule provision shall be adhered to.

SPECIFICATIONS

Specification #1: (CPD2023-0129) On or about October 29, 2023, you, Patrol Officer Todd Kilbane #2234, misled the Medina Police Department when you were asked about your location and a recording device (Medina Police Report #20-23004389) during their initial investigation into the complaint, violating the Manual of Rules 2.01. (*Group III Violation*)

Specification #2: (CPD2023-0129) On or about December 6, 2023, you, Patrol Officer Todd Kilbane #2234, were found by the Domestic Relations Division of Medina County Court (Case 2023DV0211) to have engaged in a pattern of conduct from September 2023 to November 2023, satisfying the elements of Menacing by Stalking (ORC 2903.211) and causing mental distress, violating Manual of Rules 2.01. (*Group III Violation*)

These specifications violate the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police

II. Administrative Compliance

- 2.01 Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.

HEARING INFORMATION

The pre-disciplinary hearing is scheduled for Friday, March 15, 2024, at 1000 hours in the Cleveland Public Auditorium, Room LL09. Should you desire union representation, you must notify your union of this hearing. All officers shall have an opportunity to testify. All testimony provided during the hearing shall be given the same weight as sworn testimony; therefore, your statements can and may be used against you at the hearing or a later date.

Any documentation explaining any of the above allegations shall be forwarded to the Case Preparation Unit a minimum of 48 hours before the scheduled hearing. Any new or additional evidence brought to the hearing will result in the hearing being suspended, and the matter shall be returned to the Internal Affairs Unit or the Police Review Board for consideration, as appropriate. In addition, you must bring the documentation to this scheduled hearing.

If you are to have witnesses appear on your behalf, a Form-1 listing their names must be provided to the Case Preparation Unit via email (CasePrep@clevelandohio.gov) a minimum of 48 hours before the scheduled hearing. You are to ensure the attendance of any witnesses appearing on your behalf, and it is your responsibility to notify said witnesses of the date and time of the hearing. Prior permission for any Division member's attendance **MUST** be obtained from the Case Preparation Unit. Any witnesses appearing are to be in the uniform of the day. No overtime shall accrue as a result of their attendance.

In accordance with General Police Order 1.1.12: Uniform and Clothing Regulations, you are to appear in the "CLASS A" **UNIFORM** and have your badge, City-issued service weapon and identification card with you. Failure to attend as ordered may subject you to additional disciplinary charges. You shall **PERSONALLY** contact the Case Preparation Unit (216-623-5022) **IMMEDIATELY** if any conflicts would cause your lack of attendance at the scheduled hearing.

THIS WILL BE YOUR TOUR OF DUTY

THESE CHARGES MAY BE AMENDED AT A LATER DATE

Sincerely,

Dornat A. Drummond

Dornat A. Drummond, Chief Director
Department of Public Safety

DAD:dat:bpc:cid:la

Patrol Officer Todd Kilbane #2234

March 6, 2024

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cc:

Jakimah R. Dye, Assistant Director, Department of Public Safety
George Coulter, Assistant Director, Department of Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Wendell Holt Jr., Assistant Director, Department of Public Safety
Dorothy Todd, Chief, Division of Police
Daniel Fay, Deputy Chief, Administrative Operations
Sammy Morris, Deputy Chief, Field Operations
Ali Pillow, Deputy Chief, Homeland Special Operations
Jarod Schlacht, Acting Deputy Chief, Chief of Staff
Johnny Johnson, Commander, Fifth District
Brian Carney, Commander, Bureau of Compliance
Robert Simon, Captain, Office of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Justin Cajka, Lieutenant, Officer-in-Charge, Internal Affairs Unit
Andrew Gasiewski, President, Cleveland Police Patrolmen's Association
Matthew J. Cole, Director, Human Resources Officer
William Menzalora, Chief Assistant Director of Law
Tiffany Fischbach, Chief Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Rachon Long, Interim Director, Civil Service Commission
Billy Sharp, Chairperson, Civilian Police Review Board
Sylvia Grimes, Secretary, Civilian Police Review Board
Karl Racine, Monitor, Monitoring Team
Lisa Fink, Member, Monitoring Team
Katie O'Brien, Member, Monitoring Team
Shunta Boston, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ryan Walker, Commissioner, Cleveland Community Police Commission
Jason Goodrick, Interim Executive Director, Cleveland Community Police Commission

EXHIBIT B



City of Cleveland

Justin M. Bibb, Mayor

Disposition Letter

Department of Public Safety
Dornat A. Drummond, Chief Director
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1015
216/664-2560 * Fax 216/664-3734
www.cleveland-oh.gov

April 24, 2024

Patrol Officer Todd Kilbane #2234

Fifth District Headquarters

881 East 152nd Street

Cleveland, Ohio 44110

Re: CPD2023-0129

Patrol Officer Kilbane #2234:

This letter is to advise you, Patrol Officer Todd Kilbane #2234, of the result of the administrative pre-disciplinary hearing you attended on March 15, 2024, to address an internal investigation wherein you were alleged to have engaged in improper procedure and/or conduct.

STATEMENT OF POLICY

In part: The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of divisional charges which can result in suspension, loss of pay, demotion or termination. The rules and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and a General Police Order, the Rule provision shall be adhered to.

SPECIFICATIONS

Specification #1: (CPD2023-0129) On or about October 29, 2023, you, Patrol Officer Todd Kilbane #2234, misled the Medina Police Department when you were asked about your location and a recording device (Medina Police Report #20-23004389) during their initial investigation into the complaint, violating the Manual of Rules 2.01. (*Group III Violation*)

Specification #2: (CPD2023-0129) On or about December 6, 2023, you, Patrol Officer Todd Kilbane #2234, were found by the Domestic Relations Division of Medina County Court (Case 2023DV0211) to have engaged in a pattern of conduct from September 2023 to November 2023, satisfying the elements of Menacing by Stalking (ORC 2903.211) and causing mental distress, violating Manual of Rules 2.01. (*Group III Violation*)

These specifications violate the rules and procedures of the Division of Police, Department of Public Safety.

RULES, POLICIES AND PROCEDURES

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police 2.01

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that I presided over were you, President Andrew Gasiewski, Second Vice President David Kelley, Trustee Erik Melendez and Attorney Joseph Delguyd of the Cleveland Police Patrolmen's Association, President Mister Jackson of the Black Shield Police Association, Sergeant Michael Matson and Lieutenant Justin Cajka of the Internal Affairs Unit, Assistant Director Lewis Smoot of the Department of Law, Lieutenant Charles DePenti of the Case Preparation Unit, and Sergeant Reginald Lanton of the Department of Public Safety.

During the hearing, you acknowledged receipt of the charge letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of "Not Guilty" to Specifications #1 and #2 as set forth in the charge letter.

HISTORY, FINDINGS, AND CONCLUSIONS

Active Discipline History: none

Findings and Conclusions

- *Mitigating Factors:* no active discipline
- *Aggravating Factors:* none
- **Anomalies:** none.

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. I have carefully reviewed the evidence incorporated into the record by reference, and the memorialized record, including statements made at your hearing. I have determined that you, Patrol Officer Todd Kilbane #2234, did mislead the Medina Police Department during their initial investigation into a complaint filed against you. Testimony presented at your hearing indicated that you did admit to and took responsibility of your conduct when questioned under oath. As such, I find that this conduct more closely comports with a Group II violation (conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.) Therefore, I am amending **Specification #1** to a Group II violation.

Based on the foregoing, I find you "**Guilty**" of the amended **Specification #1** and I am issuing you a six **(6) workday suspension without pay**. This corrective action is within the First Group II violation range of the discipline matrix when mitigating factors (*no active discipline*) outweigh aggravating factors (*none*). In regards to **Specification #2**, I find you "**Not Guilty**" and "**Dismiss**" **Specification #2** as set forth in the Charge Letter.

The above imposed suspension shall commence, and be effective the next working day after you are served with this notice. You shall surrender your badge, police identification card, unloaded departmentally issued firearm and three (3) loaded magazines plus one (1) live round to your Commanding Officer or designee, at the end of your shift. Upon completion of the suspension days, you shall retrieve the aforementioned property from your Commanding Officer or designee upon reporting for duty.

Additionally, you shall, within five (5) workdays of returning from suspension, read **Manual of Rule 2.01**, and expect to be reinstructed by a superior officer on that Rule. Upon completion of the reinstruction, you will email a Form-1 (as an attachment) indicating reinstruction, and endorsed by the same superior officer, to:

- The Case Preparation Unit (caseprep@clevelandohio.gov)
- The Department of Public Safety (publicsafetyadmin@clevelandohio.gov)
- Lieutenant Charles DePenti (cdepenti@clevelandohio.gov).

Policy is in place to ensure accountability of officers charged with a duty to be present in the community. As it is the Division's earnest desire that this letter will serve as a deterrent against future acts of this nature, it is incumbent on you to safeguard your career by operating with professionalism and integrity. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, verbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.

Sincerely,

Dornat A. Drummond

Dornat A. Drummond, Chief Director
Department of Public Safety

Patrol Officer Todd Kilbane #2234

April 24, 2024

Page 4 of 4

cc:

Phillip McHugh, Senior Advisor for Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Wendell Holt Jr., Assistant Director, Department of Public Safety
Dorothy Todd, Chief, Division of Police
Daniel Fay, Deputy Chief, Administrative Operations
Sammy Morris, Deputy Chief, Field Operations
Ali Pillow, Deputy Chief, Homeland Special Operations
Jarod Schlacht, Deputy Chief, Chief of Staff
Johnny Johnson, Commander, Fifth District
Robert Simon, Acting Commander, Bureau of Compliance
Christopher Viland, Superintendent, Internal Affairs Unit
Justin Cajka, Lieutenant, Officer-in-Charge, Internal Affairs Unit
William Mokshelsky, Sergeant, Officer-in-Charge, Personnel Unit
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Samuel Morris, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Andrew Gasiewski, President, Cleveland Police Patrolmen's Association
Matthew J. Cole, Director, Human Resources Officer
William Menzalora, Chief Assistant Director of Law
Tiffany Fischbach, Chief Assistant Director of Law
Delante Thomas, Chief Ethics Officer
Rachon Long, Interim Director, Civil Service Commission
Billy Sharp, Chairperson, Civilian Police Review Board
Sylvia Grimes, Secretary, Civilian Police Review Board
Karl Racine, Monitor, Monitoring Team
Lisa Fink, Member, Monitoring Team
Katie O'Brien, Member, Monitoring Team
Shunta Boston, Member, Monitoring Team
Michael Evanovich, Investigator, Department of Justice
Ryan Walker, Commissioner, Cleveland Community Police Commission
Jason Goodrick, Interim Executive Director, Cleveland Community Police Commission
Rick Stone, Sergeant, Terminal Agency Coordinator
Dr. Leigh Anderson, Executive Director of the Police Accountability Team

EXHIBIT C

II. ADMINISTRATIVE COMPLIANCE

- 2.01 Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.
- 2.02 Personnel shall not willfully disobey any rules, General Police Orders or directives of the Division of Police, or any lawful orders, written or oral, issued to them by a superior officer of the Division of Police.
- 2.03 Personnel shall perform all duties required by rules, General Police Orders, directives, or orders of the Division of Police.
- 2.04 Personnel shall study all rules, General Police Orders and directives pertaining to their duties, and shall be held accountable for any action contrary to these instructions.
- 2.05 Personnel shall be responsible for maintaining a complete and current set of General Police Orders *either as a paper copy or in electronic format*.
- 2.06 Personnel shall not be insubordinate to a superior officer. Insubordination includes, but is not limited to, any language, action or inaction directed toward a superior officer that is disrespectful, mutinous, insolent or abusive.
- 2.07 Personnel shall give immediate obedience to all lawful orders of a superior officer. When a conflict is apparent, it shall be the duty of the personnel knowing of such conflict to so apprise the superior issuing the latest order.
- 2.08 Personnel shall effect or comply with all communications and transmittals of information, both written and oral, through the chain of command, unless specifically exempted by the Chief.
- 2.09 Personnel shall not issue any message within the Division of Police without the authorization of the Chief of Police or designated Acting Chief. If the Chief and Acting Chief are unavailable in emergency situations, the commanding officer of the personnel involved shall use sound judgment and discretion in deciding whether to grant authorization.
- 2.10 Personnel shall familiarize themselves with all directives issued by the Chief of Police. Personnel absent from duty for any reason shall familiarize themselves with all orders and notices issued during their absence.
- 2.11 Personnel shall maintain a *telephone number* by which they may be contacted if so necessary due to a Division operational need.

EXHIBIT D



Cleveland Division of Police

Internal Affairs

FINAL REPORT – Non FIT

Investigator: Sgt. Michael Matson #9261

Case Number: CPD2023-0129

This final investigative report makes reference to evidence, statements, audio and video, reports, data links, and other affiliated documents obtained as part of the investigation. All of these items can be found in their entirety in the electronic case file maintained in the Division's internal investigative software (currently IAPro). Any summarization, or partial reference is not intended as a substitute for the actual item and should only be considered in their totality. It is recommended that information be cross referenced with the relevant evidence, video or supplement being provided therein. Summarization and reference are intended only to assist in expedient presentation of facts as determined during the course of the investigation. Every attempt will be made to define entities referred to by acronym where possible. As unbiased collectors of facts, investigators have no authority to determine legality of involved subject actions, rather, these determinations are the sole purview of the relevant prosecutorial authority.

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Case Summary

On October 30, 2023, the City of Medina Police Department notified the Division that [REDACTED] filed a police report regarding Officer Todd Kilbane #2234. [REDACTED] alleged Officer Kilbane confronted her in the parking lot at her son's apartment building. It should be noted that [REDACTED] and Officer Kilbane were in the process of a divorce.

During my monitoring of the Medina Police investigation, the Division was notified that [REDACTED] filed for a Civil Protection Order against Officer Kilbane on or about October 30, 2023, where Officer Kilbane was not permitted to have a firearm in his possession.

During the monitoring, it was discovered that [REDACTED] reported incidents to the Brunswick Police Department on two occasions, October 28, 2024, and November 2, 2023.

[REDACTED] alleged that Officer Kilbane was tracking her, broke into her vehicle, confronted her at their house, scared her, and had his sister contact her.

During an interview with [REDACTED], she questioned if an officer could use a police database for any reason and was unsure how Officer Kilbane obtained the name of a male. I then conducted a criminal investigation regarding misuse of the Cleveland Division of Police databases. The facts of this portion of the investigation were presented to the City of Cleveland Prosecutor Jordan, who found insufficient evidence and issued no papers.

The Civil Protection order was terminated on December 6, 2024, with no objections during the 14 days after the decision, rendering the decision final.

The City of Medina Police Department and Brunswick Police Department did not have an open criminal investigation or criminal charges for Officer Kilbane. Therefore, the monitoring case concluded.

The preponderance of the evidence supports that 5 allegations were found to be **SUSTAINED**, 3 allegation were found to be **NOT SUSTAINED**, 1 allegation was found to be **UNFOUNDED**.

It should be noted that of the 5 allegations that were found to be sustained, 3 of those allegations did occur, but did not violate Division policy or the Ohio Revised Code.

Involved Member(s)

Officer Todd Kilbane #2234
Assignment: 5th District Community Response Unit
Appointment date: September 18, 2000

Restricted Duty/Leave (y/n): Yes Criminal Charge Civil Protection Order
Fel./Misd.? n/a Date of RD/Leave 11/01/2023 Date Case Comp. 12/06/2023

- Please note that Officer Kilbane was placed on Administrative Restricted Duty on November 1, 2023. Once Confirmed regarding the status of the Domestic Relations, and no criminal charges were pending with Brunswick Police and Medina Police, Officer Kilbane was removed from restricted duty on or about January 8, 2024.

Witness Member(s)

There were no witnessing members that relate to this investigation.

Involved Citizen(s)

VICTIM
RIGHTS

TELEPHONE

Witness Citizen(s) / Organization(s)

There were no witnessing citizens or organizations that relate to this investigation.

Allegations

At the time of Initial Complaint

1. On or about October 29, 2023, [REDACTED] alleged that Officer Kilbane placed a tracking device or recording device on her vehicle and followed her to their son's apartment confronting her in the parking lot. This incident was then reported to the Medina Police Department (Report 20-23004289) who contacted the Cleveland Division of Police.
2. On or about October 29, 2023, Medina Police Officer Winebrenner contacted Officer Kilbane regarding his contact with [REDACTED], where Officer Kilbane denied being at the residence and placing a recording device in the vehicle (Medina Report 20-23004389).
3. **Discovered During the Course of Investigation**
On or about October 29, 2023, [REDACTED] alleged that Officer Kilbane confronted her at their residence in Brunswick that scared her. This incident was reported to the Brunswick Police Department (Incident # 23-47547).

4. On or about October 27, 2023, [REDACTED] alleged that Officer Kilbane entered her vehicle at Paninis and attempted to gain access to her phone. This incident was reported to the Brunswick Police Department (Incident # 23-47547).
5. On or about October 8, 2023, [REDACTED] alleged that Officer Kilbane placed a tracking device on her vehicle. This incident was reported to the Brunswick Police Department (Incident #23-44071).
6. On or about September 12, 2023, [REDACTED] discovered an Air Tag inside her vehicle that Officer Kilbane admitted to placing in the vehicle. Additionally, [REDACTED] alleged that she told Officer Kilbane not to track her during this time.
7. On or about November 2, 2023, [REDACTED] alleged that Officer Kilbane's sister contacted her by text regarding the divorce, violating the protection order. This incident was reported to the Brunswick Police Department (Call for Service Report 2347762).
8. [REDACTED] alleged that Officer Kilbane possibly used a police database to obtain the name of a male, Steven Scharsch.
9. On or about October 30, 2023, [REDACTED] filed a request for a civil protection order through the Court of Common Pleas Domestic Relations Division (2023DV0211) where Officer Kilbane was not allowed to possess, use, carry, or obtain any deadly weapon, and he was alleged to be stalking and following her.

Area Canvass

On October 31, 2023, at approximately 1232 hours, Sgt. Schwabs and I canvassed the area of 430 Springbrook Rd., Medina, in connection with video surveillance. The area canvassed was an apartment complex with multiple buildings. We did not locate any video surveillance cameras on or around 430 Springbrook Rd., Medina.

A digital canvass was completed through Medina Police department and Brunswick Police Department. The departments provided police reports and officers body camera of the interaction with [REDACTED].

Once a criminal allegation was discovered, I conducted a digital canvass of police databases to include LERMS, OHLEG, and LEADS.

Witness Citizen(s) Interviews

On November 7, 2023, November 29, 2023, and December 11, 2023, I conducted a phone interview with [REDACTED]. The phone interview was conducted at the Internal Affairs Unit contacting [REDACTED] by phone at TELEPHONE. Below is a synopsis of the interview. The full interview can be viewed in its entirety, which is located in the evidence.com case file.

During the interviews, [REDACTED] explained the incidents she reported to the Medina Police Department and Brunswick Police Department that were described in their documentation.

[REDACTED] also explained the vehicle tracked by Officer Kilbane was in Officer Kilbane's name but transferred into her name at some point when the recording device was found.

[REDACTED] stated she believed Officer Kilbane was still following her and had the house swept for bugs (devices) but did not locate a device. [REDACTED] also made a statement regarding whether Officer Kilbane would cause physical harm to her if he lost his job.

Furthermore, [REDACTED] confirmed that the incidents did not occur in the City of Cleveland Jurisdiction. However, [REDACTED] questioned if Officer Kilbane could use a police database to run a plate if she was followed.

Video Evidence (Including WCS)

On October 31, 2023, at approximately 1205 hours, Sgt. Schwebs and I picked up videos from the Medina Police Department (150 West Friendship St., Medina). Medina Police Records Taylor Yaworski provided the video that was body camera footage of the officer's investigation. Below is a synopsis of the officer's video. The video can be viewed in its entirety and is located in the evidence.com case file.

Medina PD Officer Winebrenner

- [REDACTED] stated she was in the middle of a divorce and he was stalking her.
- [REDACTED] stated they went out to eat and told [REDACTED] that she was going to get gas in her vehicle.
- [REDACTED] stated she went back to the parking lot (the apartment building) and made a phone call and he (Officer Kilbane) went up to her window.
- [REDACTED] stated she did not know what he was saying and then he sped away.
- Officer Winebrenner asked if Officer Kilbane threatened her. [REDACTED] responded with no but he is stalking.
- [REDACTED] then explained incidents that occurred in Brunswick.
- [REDACTED] stated that when she pulled out, she thought she saw Officer Kilbane's vehicle going "that way" on Springbrook and kind of sped up.
- [REDACTED] stated she wanted to see if Officer Kilbane was following her when she went to get gas and Target and wanted to see if Officer Kilbane would call [REDACTED].
- [REDACTED] stated she got into the parking lot and had to make a phone call and Officer Kilbane came up to the car window while her vehicle was parked, said something, and then took off.
- [REDACTED] then explained the incident in Brunswick.
- [REDACTED] stated she told Officer Kilbane that she did not feel safe, that she has the dog, and staying at [REDACTED] so Officer Kilbane knew where she was.
- [REDACTED] stated she drives a 2015 Honda Pilot [REDACTED] and it has been in her name since last week.

Medina PD Officer Scherer

- Please cross-reference Officer Scherer's video review with Officer Winebrenner's video review.

Medina PD Officer Scherer video #2

- Officer Scherer searched [REDACTED] vehicle.
- Officer Scherer stated that is a recording device for sure.

On November 3, 2023, I responded to the Brunswick Police Department (4095 Center Ridge Rd.) to pick up the Officer's body camera that captured the interaction with [REDACTED] that occurred on October 8, 2023. Lt. Hoover provided the video footage on a flash drive. While obtaining the video footage, Lt. Hoover advised that he conferred with [REDACTED] and [REDACTED] would be completing a report for other allegations made by her against Officer Kilbane. The following is a synopsis of the video provided by Lt. Hoover. The video can be viewed in its entirety which is located in the evidence.com case file.

Brunswick Police Officer DeMedal's body camera footage

- [REDACTED] told Officer DeMedal that she found a tracking device on her vehicle.
- Officer DeMedal located a black box, opened the box, and pulled out a square black item.
- Officer DeMedal asked how [REDACTED] found the tracker.
- [REDACTED] told the officers that she saw on her Verizon app a phone number. When she looked up the phone number, it said it was a GPS tracking device.
- [REDACTED] told the officers that Officer Kilbane placed an AirTag inside her vehicle before.
- An officer told [REDACTED] because the vehicle is registered to Officer Kilbane, it is like putting one on your car.
- Officer DeMedal asked if Officer Kilbane would drive the vehicle,
- [REDACTED] responded that he would.
- An officer asked if [REDACTED] thought Officer Kilbane was harassing her. [REDACTED]
- [REDACTED] responded with a headshake-indicating no.

Other Evidence

On November 1, 2023, the Medina County Sheriff's Department Deputy Barton #191 provided the Civil Protection order by email. Below is a synopsis of the documents. The documents can be viewed in their entirety, which is located in the digital case file.

Civil Protection Order Petition

- Court of Common Pleas Domestic Relations Division, Medina County, Ohio
- Case #: 2023DV0211 / Judge Julie Schafer / Filed October 30, 2023
- Petitioner [REDACTED] v. Respondent Officer Kilbane
- Description of respondent's (Officer Kilbane) threats or actions written by [REDACTED]
 - September 12, 2023, [REDACTED] found an Airtag tracking device in her vehicle under the passenger seat.

- On October 8, 2023, [REDACTED] found a GPS tracker under her vehicle on the back right side by the tire and she filed a Brunswick Police report.
- On October 27, 2023, [REDACTED] parked at a restaurant and left her phone in the vehicle. When returned, the phone was locked due to failed attempts.
- When [REDACTED] was able to log into her phone, she had a text message from Officer Kilbane stating where did you go now?
- On October 29, 2023, Officer Kilbane came into her house at 8:30 hours and tried to open her locked bedroom door, knocked on the door, and said in a deranged voice why she was not responding to his texts and that he needed to talk to her.
- [REDACTED] was fearful what Officer Kilbane would do to her.
- Before [REDACTED] left her room, she texted Officer Kilbane not to come near her when she left.
- [REDACTED] heard Officer Kilbane storm up the stairs and told her he would go wherever he wanted in the house.
- When [REDACTED] son arrived, she ran out of her room, through the living room, and into the garage. Officer Kilbane then began to follow her to the car screaming at her.
- [REDACTED] forgot the dog medication and was leaving the apartment parking lot when she thought she saw Officer Kilbane's vehicle.
- [REDACTED] believed Officer Kilbane was following her or had a tracking device.
- When [REDACTED] returned to the parking lot at the apartments, she sat in her vehicle.
- Officer Kilbane appeared, pressed his face against the window, and screamed.
- [REDACTED] told Officer Kilbane that she was calling the police.
- Officer Kilbane then ran back to his vehicle and sped off.
- Due to the recent events, [REDACTED] is fearful for her life.

Medina Police Report 20-004389

- Report date: 10/29/2023 at 21:30 hours
- Location: [REDACTED] SA 7A -
- Disposition: Closed at 10/29/2023 at 22:55 hours
- Involved:
 - [REDACTED] (wife)
 - Todd Kilbane (husband)
 - [REDACTED] (son)
- Report narrative:
 - Please cross-reference the video section of the Final Report.

Medina Police Supplemental Report 20-004389

- The Pilot vehicle is now registered to [REDACTED]
- Todd Kilbane would have been driving an Accord.
- When Flock was searched, the Accord hit the LPR at Court/Smith at 9:13 PM, 17 minutes prior to the call received by dispatch.
- The vehicle also hit the same LPR at 5:56 PM earlier that evening.

Brunswick Police Department report 2344071

- Date: 10/8/2023 / Time: 16:34:59 / Location: [REDACTED]
- Call Type: Stalking
- Status: Closed
- Caller: [REDACTED]
- Narrative:
 - Unauthorized GPS tracker on her car
 - Thinking her husband put it there – Todd Kilbane
- Documentation only at this time

Brunswick Police Department report 2344071

- Date: 11/2/2023 / Time: 16:38:21 / Location: [REDACTED]
- Call Type: Stalking
- Status: Documentation only
- Caller: [REDACTED]
- Narrative:
 - On October 27, 2023, [REDACTED] was at Paninis and left her phone in her vehicle and alleged Officer Kilbane entered her vehicle and attempted to access her phone.
 - On October 29, 2023, [REDACTED] alleged she was engaged in an argument with Officer Kilbane and locked herself in a bedroom. When she went to leave, Officer Kilbane followed her and was verbally harassing her.
 - Officer Kilbane did not physically prevent her from moving around the residence.

Brunswick Police Department Call for service report 2347762

- Date: 11/3/2023 / Time: 23:26:55 / Location: [REDACTED]
- Call Type: Harassment
- Disposition: Party advised
- Caller: [REDACTED]
- Narrative:
 - [REDACTED] advised she has a protection order against her ex-husband.
 - The Ex-husband's sister has been contacting her via text and the ex-husband is staying with his sister.
 - Ex-husband is Officer Kilbane.
 - Brunswick contacted the sister, Leslie via telephone explaining the protection order [REDACTED] had and not to contact her.

Police Databases

OHLEG

- An Audit Search was requested for Officer Kilbane's OHLEG history regarding Steven Scharsch.
- May 31, 2023, through December 13, 2023, Officer Kilbane did not review any OHLEG records per the audit.

- The audit was provided by BCI-Ohio Law Enforcement Gateway Quality Assurance Specialist Kara Wurster.

LEADS

- An audit search was requested for Officer Kilbane's LEADS history regarding Steven Scharsch.
- June 1, 2023, through December 13, 2023, Officer Kilbane did not review any LEADS records per the audit.
- The audit was provided by LEADS Administrative Professional 3 Stacy Capehart.

LERMS

- I searched the name Steven Scharsch in LERMS.
- The search did not produce the name Steven Scharsch.
- The only name produced during the search was Steve Syrowski which could be considered close or similar.
- Steven Scharsch name was not in the LERMS Global Subject search.

Photographic Evidence

- 2 Photographs of the outside parking area of 430 Springbrook Dr., Medina, Ohio.

Injury Documentation

There was no injury documentation that relate to this investigation.

Crime Scene Sketch / Map

There was no crime scene sketch or map that relates to this investigation. The initial investigation was monitoring the civil court proceedings and alleged criminal conduct reported to the Brunswick Police Department and Medina Police Department.

Additionally, I then conducted a criminal investigation regarding the use of a police database that was conducted digitally.

News Media and Media Coverage

There was no news media or media coverage located that relate to this investigation.

Voluntary Statement

- On January 4, 2024, I sent Officer Kilbane an email requesting a voluntary statement. On January 5, 2024, Officer Kilbane responded by email declining to provide a statement.

Outside Agency Investigation

City of Medina Police Department

- On October 29, 2023, The City of Medina Police Department conducted an investigation generating report 20-23004389 regarding Officer Kilbane's interaction with [REDACTED] [REDACTED]
- On November 16, 2023, Lt. Wagner advised that they had no additional reports and were not currently pursuing criminal charges.
- On January 3, 2024, Lt. Wagner confirmed that they did not have any additional reports and were not currently pursuing any criminal charges.

Brunswick Police Department

- On October 8, 2023, [REDACTED] [REDACTED] responded to the Brunswick Police to report an incident with Officer Kilbane (Report 23-44071).
- On November 2, 2023, [REDACTED] [REDACTED] responded to Brunswick Police to report an incident that occurred on October 27, 2023, October 29, 2023, and completed a written statement (Report 23-47547).
- On December 27, 2023, Lt. Hoover confirmed that Officer Kilbane had no criminal charges or pending investigations.

LEADS DENY STATUS (y/n): No Reason: None

DATE of DENY STATUS: / / Date Crim. Case Adjudicated / /

Criminal Review by Prosecutorial Authority

On January 5, 2023, at approximately 1230 hours, I responded to 1200 Ontario St. 8th floor (City of Cleveland Municipal Prosecutor's Office) to review this case regarding the allegation of the misuse of a police database with Chief Prosecutor Jordan. After a review, a ruling of no papers was issued for insufficient evidence.

Related Criminal / Civil Court Proceedings and Results

There were no Criminal Court Proceedings that related to this investigation. However, there was a civil court proceeding that related to this investigation. The following is a synopsis of the court findings. The Magistrate's Decision and Findings can be viewed in their entirety and located in the IAPro case file.

Court of Common Pleas Domestic Relations Division Medina County

- Court Case: 2023DV0211
- Magistrate’s Decision: Magistrate Erin Dazey
 - The Petition for a Domestic Violence Civil Protection Order was “DENIED.”
 - Protection Order Issued October 30, 2023 was “TERMINATED.”
 - Respondent (Officer Kilbane) may reclaim any firearms and other deadly weapons held in protective custody by law enforcement unless otherwise disqualified as verified by a check of NCIC.
- Findings:
 - The magistrate found that Officer Kilbane engaged in a pattern of conduct on October 8, 2023 (GPS tracker) and October 29, 2023 (audio recording device).
 - Officer Kilbane knew and should have known based on communication from [REDACTED] that she did not want to be tracked and knew or should have known that his repeated conduct was causing her distress.
 - [REDACTED] suffered mental distress from Officer Kilbane’s actions.
 - The basic elements of menacing by stalking have been met.
- Domestic Relations Court Judicial Attorney Matthew Aberegg provided the documentation (MatAberegg@medinaia.org / [REDACTED] TELEPHONE [REDACTED]).

Garrity Interviews

On January 16, 2024, at approximately 0958 hours, at 1300 Ontario St. (6th floor IA interview room). Sgt. Schwebs and I completed a Garrity interview with Officer Kilbane in connection with this investigation. Before the interview, Officer Kilbane was read the Garrity admonishment and acknowledged he understood. Officer Kilbane had union representation present, CPPA Gastewski and CPPA Kelley. Below is a synopsis of the interview. For a full review, please refer to the video that is being stored on evidence.com and the Garrity Supplement Report that can be found in the IAPro case file.

Officer Kilbane admitted to placing a tracking device on the vehicle, found by [REDACTED] on September 12, 2023. I asked Officer Kilbane if [REDACTED] wanted him to stop tracking her. Officer Kilbane responded that it was brought up, but did not believe so because she was tracking him. Officer Kilbane stated that the tracking device was used to track the vehicle, and property, not [REDACTED].

Officer Kilbane admitted to placing a tracking device on the vehicle, found by [REDACTED] on October 8, 2023. Officer Kilbane stated that the tracking device was used to track the vehicle.

Officer Kilbane admitted to placing a recorder inside the vehicle that was found by the Medina Police Department on October 29, 2023. Officer Kilbane stated the reason for the recorder was to find out who [REDACTED] was running around with. When Officer Kilbane was contacted by Medina Police, Officer Kilbane admitted that he told them he was not at the apartment. However, Officer Kilbane did not recall that he told Medina Police that he denied putting the recorder in the vehicle.

Officer Kilbane explained the incident that occurred in Brunswick at their residence on October 29, 2023. Officer Kilbane also explained that the court findings found that this allegation was unfounded and that he never hit her, punched her, never threatened her, never swore at her.

Officer Kilbane also denied having his sister contact [REDACTED] by text on November 3, 2023, breaking into the vehicle on October 27, 2023, and using a police database to obtain the male's information.

Officer Kilbane explained that the vehicle was purchased while married to [REDACTED] approximately 8 years ago, and they both drove the vehicle.

Additional Investigative Supplements

1. Initial Report
2. Brunswick Police Contact and Document Review Report
3. Brunswick Police Video Review Report
4. Canvass Report
5. Civil Protection Order Review Report
6. Domestic Relations Court Decision Review Report
7. LEADS, OHLEG, LERMS Audit Report
8. [REDACTED] Phone Interview Synopsis Report
9. Medina Police Video Review Report
10. Medina Police and Brunswick Police Disposition Report
11. Prosecutor Disposition Report
12. Prosecutor Review Summary Report
13. Officer Kilbane's Garrity Interview Report

Related CDP Documents / Records

- LERMS Global Subject Search screenshot.
- LEADS Audit
- OHLEG Audit
- Officer Kilbane's form-I

Case Suspensions

There were no case suspensions that relate to this investigation.

Investigative Extensions and Approvals

There were no investigative extensions or approvals that relate to this investigation.

Assessment of Policy, Training, Tactics, or Equipment Concerns and Recommendations

There were no policy, training, tactics, equipment, or recommendations that relate to this investigation.

Assessment of Reporting (whether Division members adequately/appropriately reported)

On October 30, 2023, Medina Police Department Lt. Bryan Wagner contacted the Internal Affairs Unit regarding [REDACTED] reporting that Officer Kilbane allegedly was Menacing by Stalking her and placing a tracking device in her vehicle (Medina Police Report #23-004389). The investigation then was assigned for monitoring and investigation by Internal Affairs, complying with General Police Order 1.07.05.

On October 31, 2023, Officer Kilbane was served a Civil Protection Order at 1737 Brintall Dr. and notified Commander Johnny Johnson. Officer Kilbane then typed a form-1 on November 1, 2023, notifying the Division, complying with General Police Order 1.07.05.

Findings

On October 30, 2023, Internal Affairs was notified by the Medina Police Department regarding an incident that occurred on October 29, 2023. After the notification, the Internal Affairs Unit was notified of a Temporary Civil Protection Order and discovered that [REDACTED] reported several incidents to the Brunswick Police Department regarding Officer Kilbane. These allegations will be addressed separately below.

It should be noted that Officer Kilbane and [REDACTED] were married for approximately 30 years and were in the process of termination of their marriage when the alleged incidents occurred. The vehicle that surrounds the allegation, was purchased during their marriage approximately 8 years ago and had since been transferred from Officer Kilbane's name to [REDACTED] name before October 27, 2023. Therefore, the vehicle that is allegedly involved in the incidents would then be considered “marital property” and Officer Kilbane and [REDACTED] are in the process of marriage termination through the Medina Domestic Relations Court (2023DR0375).

Based on the facts and circumstances surrounding this investigation including the initial report, interviews, and related documents, this investigation concluded.

1. I find based on the preponderance of the evidence that on or about October 29, 2023, [REDACTED] alleged that Officer Kilbane placed a recording device in her vehicle, followed her to their son's apartment [REDACTED], confronted her in the parking lot, which was reported to Medina Police Department as **SUSTAINED**. The following summarizes key points to this finding:

- On October 29, 2023, after [REDACTED] left her son's apartment ([REDACTED]), Officer Kilbane contacted her son questioning him about where [REDACTED] was going.
- When [REDACTED] returned to the apartment parking lot, Officer Kilbane walked up to her vehicle allegedly yelling. [REDACTED] told Officer Kilbane that she was calling the police, and Officer Kilbane left.
- [REDACTED] then made a statement to the Medina Police Department and located a recording device inside her vehicle that was not present the day before.
- Medina Police talked to Officer Kilbane by phone, and he denied being in Medina and placing the audio device in the vehicle (This is addressed in Allegation #2).
- Medina's Flock camera captured Officer Kilbane's vehicle (Ohio [REDACTED] at 1:13:19 AM UTC (20:13:19 hours ET) at South Court St. SB @ Smith in the area of the apartment.
- Officer Kilbane admitted to being at the apartment and placing the recorder in the vehicle during his Garrity interview.
- [REDACTED] reported the incident to Medina PD (Case #20-23004389).
- Medina Police Department did not have a criminal investigation nor pending criminal charges with a disposition of closed for this incident.
- The vehicle with the recording device was "marital property" purchased during their marriage, and the termination of the divorce was not finalized at the time of the incident.
- Therefore, Officer Kilbane admitted to being present, making contact with [REDACTED] in the parking lot, and placing a recorder in the vehicle prior. However, this incident alone did not violate the Ohio Revised Code or Cleveland Division of Police Policy.

2. I find based on the preponderance of the evidence that on or about October 29, 2023, Medina Police Officer Winebrenner contacted Officer Kilbane regarding his contact with [REDACTED], where Officer Kilbane denied being at the residence [REDACTED] and placing a recording device in the vehicle obstructing their investigation as **SUSTAINED**. The following summarizes key points to this finding:

- On October 29, 2023, Medina Police Officer Winebrenner contacted Officer Kilbane regarding [REDACTED] complaint (Case #20-23004389).
- Medina Police Officer Winebrenner wrote in his police report the following:
 - "I later called Todd and explained the complaint to him. He denied being in Medina and denied placing the recording device in [REDACTED] car."
- Medina's Flock camera captured Officer Kilbane's vehicle (Ohio [REDACTED] at 1:13:19 AM UTC (20:13:19 hours ET) at South Court St. SB @ Smith in the area of the apartment.
- Officer Kilbane admitted that he denied being at the residence [REDACTED] to Medina Police, but did not recall denying placing the recording device in the vehicle.
- Officer Kilbane admitted in his Garrity interview that he was at the residence and placed the device in the vehicle at another time.

- Officer Kilbane misled the Medina Police Department by providing misleading facts about being at the residence and about the recording device during their initial investigation, Obstructing the Official Business (2921.31) of the Medina Police Department.

Discovered During the course of this investigation

3. The preponderance of the evidence has been met that on or about October 29, 2023, Officer Kilbane spoke to [REDACTED] in a deranged voice through a locked door, terrifying her, and then followed her to her vehicle scaring her that occurred at their residence [REDACTED] that was reported to the Brunswick Police Department (Incident 23-47547) **NOT SUSTAINED**. The following summarizes key points to this finding:
 - On October 29, 2023, Officer Kilbane went to his house located at [REDACTED] to speak with [REDACTED] and Officer Kilbane both reside at the residence during the incident.
 - [REDACTED] alleged Officer Kilbane knocked on her locked bedroom door and tried to talk to her in a slow and deranged voice, which caused her to fear for her safety, so she contacted her son for help.
 - [REDACTED] alleged when she left the bedroom, she alleged Officer Kilbane followed her to the garage and screamed at her. [REDACTED] then left without incident.
 - Officer Kilbane admitted to knocking on the door, wanting to speak to [REDACTED] and stood by the car in the garage calling [REDACTED] a derogatory name.
 - [REDACTED] reported the incident to the Brunswick Police Department (Incident #23-47547).
 - Brunswick Police Department did not have a criminal investigation or pending criminal investigation with a disposition of closed with a case status of documentation only.
 - Officer Kilbane provided the Domestic Relations Court with an audio recording of the incident that he recorded. However, the courts did not provide the recording when the court documents were requested.
 - The court found that Officer Kilbane's cadence, tone, and language used were no different from his effect during the hearing. Therefore they found the claim by [REDACTED] unfounded.
 - An interaction did occur between Officer Kilbane and [REDACTED] that did not violate the Ohio Revised Code or Cleveland Division of Police Policy.
4. I find based on the preponderance of the evidence that on or about October 27, 2023, that Officer Kilbane entered [REDACTED] vehicle at Paninis (Brunswick, Ohio) attempting to gain access to her phone that was reported to the Brunswick Police

Department (Incident #23-47547) as **NOT SUSTAINED**. The following summarizes key points to this finding:

- On October 27, 2023, [REDACTED] left her phone in the vehicle while eating dinner at Paninis.
- When [REDACTED] returned to her vehicle, there was no forced entry, and her phone was locked as if someone tried to gain access.
- [REDACTED] alleged that Officer Kilbane was the person who gained access to the vehicle.
- Officer Kilbane denied trying to obtain entry into the vehicle during the Domestic Relations Hearing and his Garrity Interview.
- [REDACTED] testified that Officer Kilbane was out of town during this time.
- Officer Kilbane admitted to being out of town at his brother's house, which was 1 hour away from Brunswick. However, a reasonable person would believe that being approximately 1 hour from the incident location would make it within driving distance.
- Officer Kilbane stated during his Garrity interview that he did not have keys to the vehicle.
- [REDACTED] reported the incident to the Brunswick Police Department (Incident #23-47547).
- Brunswick Police Department did not have a criminal investigation or pending criminal investigation with a disposition of closed with a case status of documentation only.

5. I find based on the preponderance of the evidence that on or about October 8, 2023, Officer Kilbane placed a tracking device on a vehicle driven by [REDACTED] that was reported to the Brunswick Police Department (Incident 23-44071) as **SUSTAINED**. The following summarizes key points to this finding:

- On October 8, 2023, [REDACTED] reported to the Brunswick Police Department (Incident #23-44071) that she located a tracking device under the bumper of the vehicle she was driving.
- Officer Kilbane admitted to placing the tracking device on the vehicle and alleged [REDACTED] had access to the account.
- Officer Kilbane and [REDACTED] had a past practice of tracking one another once tracking became available.
- Officer Kilbane admitted to placing the tracking device on the vehicle to track the vehicle but not [REDACTED].
- A reasonable person would believe that the tracking device would track the vehicle as described by Officer Kilbane but would also track the driver of that vehicle.
- [REDACTED] alleged that she told Officer Kilbane to stop tracking her on or about September 12, 2023, when she located an Apple Airtag inside the vehicle.

- Brunswick Police Department did not have a criminal investigation nor pending criminal investigation with a disposition of closed for this incident.
- The vehicle that the tracking device was placed on would be considered “marital property” for Officer Kilbane and [REDACTED]. Therefore, this incident alone did not violate the Ohio Revised Code or Division policy.
- Additionally, as of January 23, 2024, the State of Ohio, the City of Medina, and Brunswick do not have a law that would make it illegal to place a tracking device such as an Apple AirTag/GPS monitoring on a person or property.

6. The preponderance of the evidence supports that on September 12, 2023, [REDACTED] discovered an Airtag inside her vehicle that Officer Kilbane placed inside as **SUSTAINED**. The following summarizes key points to this finding:

- On September 12, 2023, [REDACTED] located an Apple Airtag inside a vehicle she primarily drives.
- Officer Kilbane stated that the Airtag was not to track [REDACTED] but his vehicle and property, such as his golf clubs.
- A reasonable person would believe that the Airtag would track the vehicle as described by Officer Kilbane but would also track the driver of that vehicle.
- Officer Kilbane and [REDACTED] had a history of tracking each other and their children.
- [REDACTED] told the Domestic Courts that she told Officer Kilbane not to track her and was unconcerned.
- The vehicle that was tracked would be considered “marital property” for Officer Kilbane and [REDACTED]. Therefore, this incident alone did not violate the Ohio Revised Code or Division policy.
- Additionally, as of January 23, 2024, the State of Ohio, the City of Medina, and Brunswick do not have a law that would make it illegal to place a tracking device such as an Apple AirTag/GPS monitoring on a person or property.

7. The preponderance of the evidence supports that the allegation that Officer Kilbane had his sister contact [REDACTED] violating the Civil Protection order that was reported to the Brunswick Police Department (Call for Service Report 2347762) as **NOT SUSTAINED**. The following summarizes key points to this finding:

- On November 3, 2023, [REDACTED] contacted the Brunswick Police Department to report that Officer Kilbane’s sister, Leslie Fleece, contacted her regarding the divorce proceedings.
- Brunswick Police then contacted Fleece advising her not to contact [REDACTED].
- Officer Kilbane stated that his sister has known [REDACTED] for approximately 30 years, was [REDACTED] sponsor for their wedding, and spoke to her regularly throughout their marriage.

- Officer Kilbane became aware of their conversation that occurred through a text message from his sister, after Brunswick Police contacted her advising her to stop.
- The Domestic Relations Hearing found that there were no violations of the ex parte protection order issued October 30, 2023.

8. The Preponderance of the evidences supports that Officer Kilbane used a police database to search Steven Scharsh's name as **UNFOUNDED**. The following summarizes key points to this finding:

- On November 29, 2023, [REDACTED] questioned how Officer Kilbane obtained the name Steven Scharsh and if a police database could be used.
- I conducted an audit of LEADS, OHLEG, and LERMS.
- Steven Scharsh's name was not registered in LERMS.
- OHLEG and LEADS audit results indicated that Officer Kilbane did not use the databases to obtain Steven Scharsh's information.
- Officer Kilbane stated that he did not use a police database and that [REDACTED]
- [REDACTED] provided the information through a domestic relations hearing.
- I was able to locate Steven Scharsh's information through an open-source Google search without using a police database.

9. The preponderance of the evidence supports that on or about October 30, 2023, [REDACTED] filed a request for a civil protection order through the Court of Common Pleas Domestic Relations Division (2023DV0211), where Officer Kilbane was not allowed to possess, use, carry, or obtain any deadly weapon, and he is alleged to be stalking as **SUSTAINED**. The following summarizes key points to this finding:

- On or about October 30, 2023, [REDACTED] filed through the Medina County Domestic Relations courts for a Domestic Violence Civil Protection Order that was granted and served.
- On or about December 6, 2023, Court of Common Pleas Domestic Relations Division Medina Magistrate Erin Dazey found that Officer Kilbane engaged in a pattern of conduct for the elements of menacing by stalking that occurred on October 8, 2023 (GPS tracker) and October 29, 2023 (audio recording device).
- Officer Kilbane knew and should have known based on communication from [REDACTED] that she did not want to be tracked and knew or should have known that his repeated conduct was causing her distress.
- [REDACTED] suffered mental distress from Officer Kilbane's actions.
- The Petition for a Domestic Violence Civil Protection Order was "DENIED."
- Protection Order Issued October 30, 2023 was "TERMINATED."
- Respondent (Officer Kilbane) may reclaim any firearms and other deadly weapons held in protective custody by law enforcement unless otherwise disqualified as verified by a check of NCIC.

- Therefore, the preponderance of the evidence supports that Officer Kilbane engaged in Menacing by Stalking (ORC 2903.211) that allegedly caused mental distress to [REDACTED]

Applicable Law, Policy, Procedure

- Manual of Rules – Administrative Compliance 2.01
- ORC Menacing by Stalking 2903.11
- ORC Obstructing Official Business 2921.31
- Ohio Senate Bill 100 – Prohibit installing tracking device or app without consent

Disciplinary Specifications with Evidentiary Support

Officer Todd Kilbane #2234

Specification #1: On or about October 29, 2023, you, Officer Todd Kilbane #2234, misled the Medina Police Department when you were asked about your location and a recording device (Medina Police Report #20-23004389) during their initial investigation into the complaint, violating the Manual of Rules 2.01 (Revised October 1, 2012).

Manual of Rules Administrative Compliance 2.01

- Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States of Ohio, or the Charter provisions or ordinances of the City of Cleveland.

Obstructing Official Business ORC 2921.31

(A) 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.

Evidence Supporting Specification:

- Officer Kilbane's Garrity interview.
- Medina County Domestic Relations courts 2023DV0211
- Medina Police Report 2020-23004389

Specification #2: On or about December 6, 2023, you, Officer Todd Kilbane #2234, were found by the Domestic Relations Division of Medina County Court (Case 2023DV0211) to have engaged in a pattern of conduct for the elements of Menacing by Stalking (ORC 2903.211) that occurred from September 2023 to November 2023 causing mental distress, violating Manual of Rules 2.01 (Revised October 1, 2012).

Manual of Rules Administrative Compliance 2.01

- Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States of Ohio, or the Charter provisions or ordinances of the City of Cleveland.

Menacing by Stalking - ORC 2903.21(D)(1)

(A)(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(D) As used in this section:

(1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages, use of intentionally written or verbal graphic gestures, or receipt of information or data through the use of any form of written communication or an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct."

Evidence Supporting Specification

- Domestic Relations Division Medina County Magistrate's Decision and Finds (2023DV0211).
- Medina Police Report 20-23004389 and officer video footage.
- Brunswick Police Incident #23-44071 and officer video footage.


A rectangular box containing a handwritten signature in cursive script, which appears to read "Michael Matson".

Michael Matson, Sergeant #9261 / Date: 1/24/2024

Redaction Log

Redaction Date: 8/21/2024 11:26:45 AM

Total Number of Redactions in Document: 3

Redaction Reasons by Page

Page	Reason	Description	Occurrences
3	TELEPHONE NUMBER	R.C. 149.43(A)(1)(mm) Telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report.	1
4	TELEPHONE NUMBER	R.C. 149.43(A)(1)(mm) Telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report.	1
11	TELEPHONE NUMBER	R.C. 149.43(A)(1)(mm) Telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report.	1

Redaction Log

Redaction Date: 8/21/2024 11:26:45 AM

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
TELEPHONE NUMBER	R.C. 149.43(A)(1)(mm) Telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report.	3(1) 4(1) 11(1)

EXHIBIT E

They live together in Brunswick, although she plans to stay with her son [REDACTED] for the time being. [REDACTED] told me earlier in the night she left and went back home to get something and as soon as she left Todd called [REDACTED] and asked "where's mom going?". [REDACTED] recalled she thought she might have seen a car drive by the apt as she was leaving that "might've been" Todd's car. She said she returned to the apt. and was in her car in the parking lot when Todd approached her driver's side window and attempted to speak with her. She stayed in the car and did not get out or speak with him. She said he left and she came in the apt. and told [REDACTED] and [REDACTED] called MPD.

[REDACTED] told me she has found a GPS tracker and an "air tag" on her car previously which she reported to Brunswick PD. The vehicle they were in/on were in Todd's name so there was little they could do about this. She denied any type of threats and just thinks Todd is trying to keep track of her location. She asked that I contact him and explain that she wanted him to stay away from her and that she was probably going to petition the court for a Civil Protection Order. Ofc. Scherer offered to check her car for any type of tracking device. [REDACTED] was helping check her car and located a small digital recording device in the seat pocket behind the driver's seat. He handed it to me and it appeared to be on/activated. I shut it off and collected it. I asked [REDACTED] about the recorder and she said it was not hers and that it was not there as of yesterday because she checked that location. I told her I would keep the recorder and place it into evidence.

I gave [REDACTED] the Victim's Rights Form and told her I would call Todd.

I later called Todd and explained the complaint to him. He denied being in Medina and denied placing the recording device in [REDACTED] car. Todd stated [REDACTED] is "cheating" on him and that's the reason she is making these allegations.

Body cam

Supplemental Narrative By Sara Lynn, 10/30/23 08:49

In reading this report, I realized dispatch added the wrong vehicle that Todd was alleged to have been driving. They added a Honda Pilot that he owns however the caller stated he would be driving a silver Accord. Todd previously owned both cars however the Pilot is now registered to [REDACTED]. I added the Accord to the report. In searching Flock, the Accord hit the LPR at Court/Smith at 9:13PM, 17 minutes prior to the call received by dispatch. Of note, he also hit the same LPR at 5:56PM earlier that evening.

Supplemental Narrative By Bryan Wagner, 10/30/23 12:26

Confidential - do not release

A copy of this report was forwarded to CPD Sgt Matson. Sgt Matson requested a phone call (216-623-6293) if charges are filed.

END #207

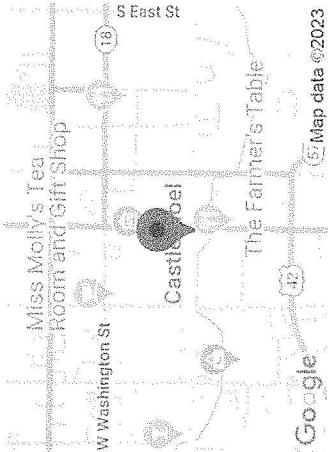
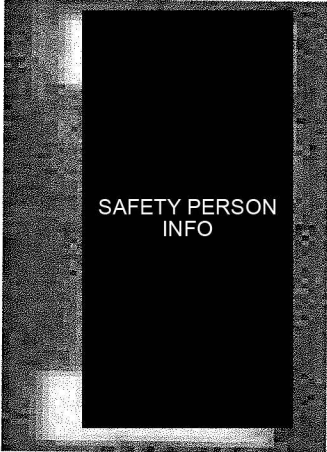
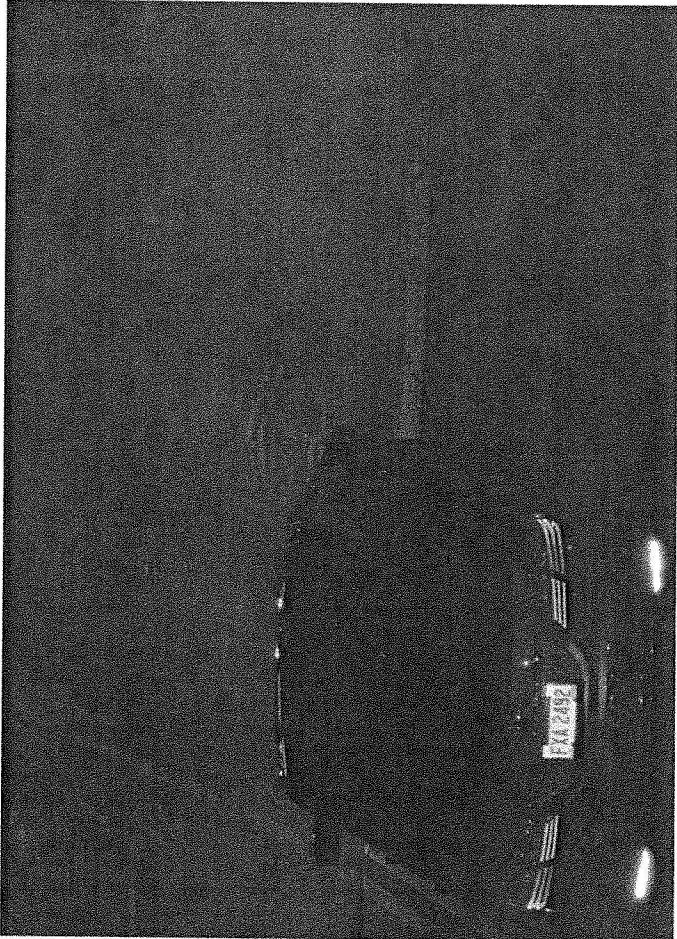
MEDIA Narrative By Daryn Winebrenner, 10/29/23 22:56

On going issues with estranged husband

Investigative Summary

License Plate Detection

Agency name	Created by	Date created	Search reason
Medina OH PD	Sara Lynn	Oct 30 2023	stalking



License Plate Detection Details

License plate	OH	FXA2492
Body, Make, Color	Sedan-Acura-Silver/grey	
Date captured	Oct 30 2023, 1:13:19 AM UTC	
Device name	#09 S Court St SB @ Smith	
Device type	falcon	
Device location	301 S Court St, Medina, OH 44256, USA	
Device network	Medina OH PD	

VICTIM'S RIGHTS REQUESTS

Victim Name: [REDACTED] Law Enforcement Officer: WINTERBURN Badge No. 221

Suspect (If known): DODD KILBANE Incident / Case No. 23-004389

Reporting Agency: MEDINA PD County: MEDINA
Agency Phone Number: [REDACTED] TELEPHONE NUMBER

Date and location of arraignment (if known): _____

Does the Victim need an Interpreter?
☐ Yes ☐ No Language _____
☒ I am the victim because I was directly harmed
☐ I am a victim because I was proximately harmed

Listed on the back are rights you are automatically entitled to, below are rights that you must request in order to exercise. **You may choose some, none, or all of them to exercise. Your decisions may be changed at any time.**

- ☒ Receive notice of the arrest, escape, or release of the offender;
 - ☒ Reasonable and timely notice of all public court proceedings;
 - ☒ Confer with the prosecutor assigned to the case;
 - ☒ Be notified of subpoenas, motions, or other requests to access any of my personal information
- NO ARREST WARRANT AT THIS TIME*

At the first time of contact, the VICTIM:
☐ Elects not to exercise the rights in the above box
☒ Elects to exercise the rights checked in the above box
☐ Did not make an election as to which rights they wanted to exercise in the above box
☐ Was unable to complete the Victim's Rights Request Form
Date: 10-27-23

☒ VICTIM INFORMATION (Required)
[NOT PUBLIC RECORD]
Victim Name: [REDACTED] Rep Name: _____
Address: [REDACTED] Address: _____
City/State/Zip: [REDACTED] City/State/Zip: _____
Email address: [REDACTED] Email address: _____
Phone Number: [REDACTED] Phone Number: _____

[REDACTED] Victim's Signature 10/29/23 Date
Representative Signature _____ Date _____

On 10-27-23 (Date), a copy of this form was given to the ☒ Victim or ☐ Victim's Representative with the Victim's Rights Attachment.

[Signature] #221
[Signature] Agency
L.E.O. / Prosecutor / Official's Signature

VICTIM'S RIGHTS

As a victim, you are automatically entitled to:

- Be informed of your rights;
- Be treated with fairness and respect for your safety, dignity, and privacy;
- Reasonable protection from the accused or any person acting on behalf of the accused;
- Receive information about the status of the case;
- Refuse a defense interview, deposition, or other discovery request;
- Object to defense requests for access to your confidential information, including medical, counseling, school, or employment records, access to your personal devices, online accounts, or other personal information;
- Be present at all public proceedings;
- Have a support person with you during proceedings;
- Tell the court your opinion in public proceedings involving release, plea, sentencing, disposition, parole, and any other hearing that involves your rights;
- Object to unreasonable delays; and
- Full and timely restitution from the offender.

Failure to affirmatively request the rights not automatically granted is a waiver of those rights, but you may request those rights at a later date.

*****Law Enforcement Officer to Circle Appropriate Prosecutor's Office*****

CITY OF MEDINA LAW
DEPARTMENT
PROSECUTOR'S OFFICE
132 North Elmwood Ave
P.O. Box 703
Medina, Ohio 44256
Phone: (330) 722-9070
Fax: (330) 723-3508
Email: law@medinacounty.org

CITY OF WADSWORTH LAW
DIRECTOR'S OFFICE
PROSECUTOR'S OFFICE
120 Maple Street
Wadsworth, OH 44281
Phone: (330) 335-2748
Fax: (330) 335-2816
Email: paralegal@wadsworthcity.org

CITY OF BRUNSWICK LAW
DEPARTMENT
PROSECUTOR'S OFFICE
4095 Center Road
Brunswick, OH 44212
Phone: (330) 558-6885
Fax: (330) 220-1348

MEDINA COUNTY
PROSECUTOR'S OFFICE
CRIMINAL DIVISION
60 Public Square
Medina, OH 44256
Phone: (330) 723-9536
Fax: (330) 723-9532
Email: sdesantis@medinacounty.org

MEDINA COUNTY
PROSECUTOR'S OFFICE
JUVENILE DIVISION
60 Public Square
Medina, OH 44256
Phone: (330) 764-8399
Fax: (330) 723-9532
Email: juvenile@medinacounty.org

- An arraignment is a hearing that can happen within a couple days after the defendant is charged with a crime. The judge will decide whether or not to release the defendant on bond, set any bond conditions, and whether or not to issue a protection order for eligible cases. You have the right to attend the arraignment and tell the judge about any safety concerns and your opinion regarding the defendant's release, bond conditions, and whether or not you would like a protection order if your case is eligible. Please contact the appropriate Clerk of Court below to get the arraignment location, date, and time. It is your responsibility to keep current contact information with the applicable law enforcement official.

Medina Municipal Court – (330) 723-3287
Wadsworth Municipal Court – (330) 335-1596
Brunswick Mayor's Court – (330) 558-6870

Medina County Clerk of Courts – (330) 725-9722
Medina County Juvenile Court – (330) 725-9709

- You may also track this case on the appropriate website below:
(**Please Note Juvenile Cases are not Available Online**)

www.medinamunicipalcourt.org
www.wadsworthcity.com/340/Municipal-Court
www.ohioticketpayments.com
www.medinacountyclerk.org



Scan the QR Code for
a link to Ohio Crime
Victims' Rights

Redaction Log

Redaction Date: 8/21/2024 10:26:31 AM

Total Number of Redactions in Document: 2

Redaction Reasons by Page

Page	Reason	Description	Occurrences
4	TELEPHONE NUMBER	R.C. 149.43(A)(1)(mm) Telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report.	2

Redaction Log

Redaction Date: 8/21/2024 10:26:31 AM

Redaction Reasons by Exemption

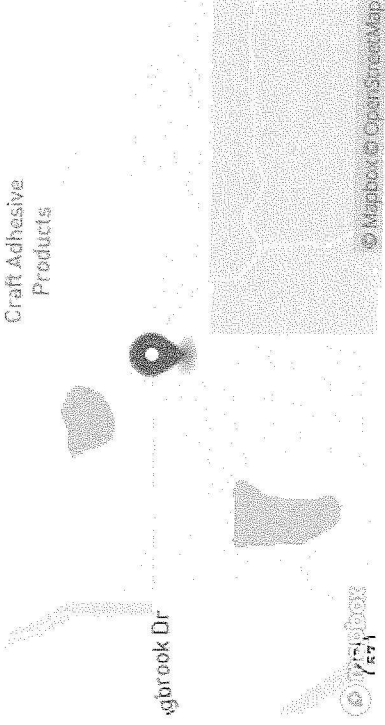
Reason	Description	Pages (Count)
TELEPHONE NUMBER	R.C. 149.43(A)(1)(mm) Telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report.	4(2)

EXHIBIT F

Cleveland Division of Police

Internal Affairs Invest Report

Incident Details		Incident Location	
Date Received	10/30/2023	Location of Occurrence	Outside City
Entered By	[IAPro entry - Lieutenant Justin Cajka]	SAFETY PERSON INFO	
Date/Time of Occurrence	10/29/2023 21:30	Dennis Ln	
Date/Time Entered	10/30/2023 11:04	Saxon Ave	
Record ID Number	37709	Regal Ave	
Incident Number	—	Tudor Ave	
File Number	CPD2023-0129	Dennis Ln	
ClevelandPD	Lieutenant	© Mapbox © OpenStreetMap	
Blueteam 6 Assigned	Charles Depenti	Precinct:	
Investigator		SAFETY FAMILY INFO	
IAPro Assigned	Sergeant Michael	© Mapbox © OpenStreetMap	
Investigator	Matson	SAFETY FAMILY INFO	



Incident Summary

I have reviewed the final report and portions of the associated digital case file pertaining to this external complaint of misconduct investigation completed by Sgt. Matson. These summaries are not intended as a substitute for the investigative report and any information within this summary should be cross-referenced with the final investigative report and IAPro case file.

On October 30, 2023, Lt. Bryan Wagner from Medina PD called IAU to report an incident that occurred between P.O. Todd Kilbane and his wife [REDACTED]. The Medina report (23-004389) indicates a possible menacing by stalking that's on-going involving P.O. Kilbane where it's alleged, he has been putting tracking devices and/or recording devices in his wife's vehicle.

Subsequent to the notifications made by Medina PD to Internal Affairs, P.O. Kilbane notified his command that he was the respondent in Civil Protection Order filed by his wife. He self-reported by completing a Form-1 and sending it to Internal Affairs.

The investigation included several allegations that were discovered during the course of the investigation that were further investigated and broken down within the findings. For organizational purposes each allegation was sequentially numbered 1 thru 9.

As part of the investigation Sgt. Matson monitored all outside agency investigations, reviewed associated outside agency police reports, reviewed court documents, conducted independent interviews, and reviewed all other associated documentation.

Sgt. Matson received police reports both from Medina PD and Brunswick PD. These police reports can be referenced within the IAPro digital case file. Both reports indicate possible harassment and stalking. Sgt. Matson also obtained the correlating body camera footage for the incidents reported to both to Medina PD and Brunswick PD. This footage can be viewed in the evidence.com case file. It's

important to note that as reported in the Medina PD reports that while Medina PD was investigating one of [REDACTED] complaints pertaining to P.O. Kilbane being in Medina and placing a recorder in her vehicle P.O. Kilbane was asked if he was at the home. He denied being in Medina. Further investigation revealed that based on LPR queries conducted by Medina PD he was driving in the City of Medina at 0113 hrs. This act constitutes an administrative violation of Obstructing Official Business pursuant to Manual of Rules –Rule 2.01.

An independent video canvass was conducted my members of CDP Internal Affairs. The canvass yielded no additional evidence to support any of the allegations listed.

In recorded interviews with [REDACTED] conducted by Sgt. Matson and by the respective agencies who she filed reports with, [REDACTED] alleged several instances where she believed she was being stalked or harassed by her husband P.O. Kilbane, whom she was currently in the process of divorcing. This activity included P.O. Kilbane placing a tracking device on her vehicle, placing an AirTag in her vehicle, placing a recording device in her vehicle, following her to her sons home, being contacted by her sister-in-law on behalf of P.O. Kilbane despite there being a protection order that would forbid this, entering her vehicle while she was out to eat/locking her phone, among other inappropriate behavior that caused her to fear for her safety/cause mental distress. [REDACTED] also alleged that P.O. Kilbane may have queried a known male in a law enforcement database without a law enforcement purpose. For full review of her verbal/written statements please refer to the evidence.com case file and IAPro digital case file.

Sgt. Matson also reviewed court documents associated with the Civil Protection Order (CPO). The documents indicate that based on the Magistrates decision that CPO was terminated. With that said the Magistrate outlined that based on the circumstances that P.O. Kilbane did in fact engage in a pattern of activities that would constitute the offense of Menacing by Stalking causing Lorinda mental distress.

Based on the allegation surrounding the database violation Sgt. Matson requested and conducted audits of LERMS, LEADS, & OHLEG. The audits revealed that P.O. Kilbane did not query the named male given by [REDACTED] through any of the respective databases.

As it pertains to the criminal review all allegations outside the jurisdiction of Cleveland were investigated by Medina PD and Brunswick PD. Sgt. Matson received notification via supervisors from each agency indicating no active investigation or charges were pending based on the reports made by [REDACTED] [REDACTED] therefore the monitoring aspect of this investigation was complete.

Brunswick confirmed no criminal charges on December 27, 2023, and Medina confirmed no criminal charges on Jan 3, 2024.

On January 5, 2023, at approximately 1230 hours, Sgt. Matson responded to 1200 Ontario St. 8th floor (City of Cleveland Municipal Prosecutor's Office) to review this case regarding the allegation of the misuse of a police database with Chief Prosecutor Jordan. After a review, a ruling of no papers was issued for insufficient evidence.

Sgt. Matson also received notification that the Civil Protection Order hearings were completed. It was confirmed that the CPO motion was terminated ending any restriction from P.O. Kilbane not being able to carry his city issued firearm. Subsequent to this notification his restricted duty status ended.

Subsequent to the criminal reviews Sgt. Matson conducted a Garrity interview with P.O. Kilbane who provided additional context to the investigation. P.O. Kilbane denied ever physically threatening or harming his wife, [REDACTED]. He indicated any aspect pertaining to tracking or recording [REDACTED] was to track his property or to see who she was with for infidelity reasons. P.O. Kilbane did admit to telling the Medina PD officer that he was not in Medina despite the LPR hit as outlined in the Medina PD report. For a full review of his interview please refer to the evidence.com case file.

Sgt. Matson has completed a fair, impartial, and objective investigation. I fully concur with his findings that based on review of the body camera footage, reports, interviews, court documents, audits, and all other associated documents the preponderance of evidence supports the following breakdown regarding the findings for the associated allegations based on the key points outlined under each allegation:

As it relates to Allegation # 1 regarding P.O. Kilbane placing a recording device in his wife's vehicle the preponderance of evidence supports a finding of SUSTAINED. This act alone did not rise to a violation of CDP Policy or Law.

As it relates to Allegation # 2 regarding P.O. Kilbane obstructing the investigation being conducted by Medina Police Departments (Case #20-23004389) the preponderance of evidence supports a finding of SUSTAINED. (Violation correlates with Specification # 1 as enumerated)

As it relates to Allegation # 3 which was discovered through the course of this investigation regarding P.O. Kilbane speaking to [REDACTED] in a deranged voice while outside their bedroom door, the preponderance of evidence supports a finding of NOT SUSTAINED.

As it relates to Allegation # 4 which was discovered through the course of this investigation regarding P.O. Kilbane entering [REDACTED] vehicle while she was inside a restaurant and locking her phone the preponderance of evidence supports a finding of NOT SUSTAINED.

As it relates to Allegation # 5 which was discovered through the course of this investigation regarding P.O. Kilbane placing a tracking device on [REDACTED] vehicle the preponderance of evidence supports a finding of SUSTAINED. This act alone did not rise to a violation of CDP Policy or Law.

As it relates to Allegation # 6 which was discovered through the course of this investigation regarding P.O. Kilbane placing an AirTag in [REDACTED] vehicle the preponderance of evidence supports a finding of SUSTAINED. This act alone did not rise to a violation of CDP Policy or Law.

As it relates to Allegation # 7 which was discovered through the course of this investigation regarding P.O. Kilbane having his sister reach out to [REDACTED] despite the CPO in effect which would have been a violation of said order the preponderance of the evidence supports a finding of NOT SUSTAINED.

As it relates to the Allegation # 8 which was discovered through the course of this investigation regarding P.O. Kilbane improperly accessing/using a law enforcement database the preponderance of the evidence supports a finding of UNFOUNDED.

As it relates to Allegation # 9 which was discovered through the course of this investigation regarding the filing and subsequent termination of a Civil Protection Order that was filed surrounding P.O. Kilbane engaging in a pattern of activities that would constitute the crime of Menacing by Stalking the preponderance to the evidence supports a finding of SUSTAINED. The acts in totality outlined within allegations (1, 5, & 6) would be considered Menacing by Stalking. (Violation correlated with Specification # 2 as enumerated)

Accordingly, the following specifications are being preferred against P.O. Todd Kilbane #2234 based on the evidence outlined to support each specification:

Specification #1: On or about October 29, 2023, you, Officer Todd Kilbane #2234, misled the Medina Police Department when you were asked about your location and a recording device (Medina Police Report #20-23004389) during their initial investigation into the complaint, violating the Manual of Rules 2.01 (Revised October 1, 2012).

Specification #2: On or about December 6, 2023, you, Officer Todd Kilbane #2234, were found by the Domestic Relations Division of Medina County Court (Case 2023DV0211) to have engaged in a pattern of conduct for the elements of Menacing by Stalking (ORC 2903.211) that occurred from September 2023 to November 2023 causing mental distress, violating Manual of Rules 2.01 (Revised October 1, 2012).

I recommend an overall disposition of SUSTAINED pending ascending review.

Justin Cajka, Lieutenant #8561
Internal Affairs Unit-OIC
1/29/2024

This electronic case file has been reviewed including statements, video, photos and evidence attached. The contents of the file indicate that Sgt. Matson conducted a thorough, complete, unbiased and impartial investigation. This includes the identification and disposition of allegations not related to the initial complaint. Nothing in this summary should be presumed to supersede the findings and conclusions of the investigator's report unless specifically indicated.

Portions of this case have either been criminally reviewed by an independent prosecutorial authority with the determination that no charges would be brought against any member of CDP, or has been investigated by an outside law enforcement agency with determinations made that no further investigation or prosecution would ensue.

The allegations in this matter will be addressed out of order for ease of presentation:

As to the (1) discovered allegation that PO Kilbane utilized a law enforcement database to obtain information on one Steven Scharsch, based on a preponderance of evidence standard, especially the audits and record checks of the LERMS/OHLEG/LEADS databases showing no improper access, I concur with Lt. Cajka's recommendation that this allegation be deemed as Unfounded through the chain of command.

As to the (3) discovered allegations that PO Kilbane confronted his wife in a threatening manner on 10/29/23, that PO Kilbane attempted to gain access to his wife's phone on 10/27/23, and that PO Kilbane had his sister contact his wife in violation of a CPO, also all based on preponderance of evidence standards, there does not appear to be sufficient evidence to substantiate that these acts occurred. With regard to the confrontation on 10/29/23, the Medina County

Domestic Relations Court specifically found that this allegation in their complaint was unfounded. With regard to the phone access, PO Kilbane denies the incident and there is no additional evidence to support the allegation. With regard to the contact by PO Kilbane's sister, the contact did occur, however there is no evidence that would support PO Kilbane's direction of that contact, and the Domestic Relations Court determined that there were no violations of the CPO. Therefore, for these allegations, I concur with Lt. Cajka's recommendation that these allegations be deemed to be Not Sustained through the chain of command.

As to the (3) allegations that PO Kilbane placed a recording device in a vehicle and followed it to [REDACTED] on 10/29/23, that PO Kilbane placed a tracking device on a vehicle on 10/8/23, and that PO Kilbane placed an Apple Airtag in a vehicle on or about 9/12/23, based on a preponderance of evidence standard, including the admissions of PO Kilbane and the physical evidence recovered by outside law enforcement agencies, it appears that these allegations are substantiated. Therefore, I concur with Lt. Cajka's recommendation that each of these allegations be determined to be Sustained. These actions, however, are not violations of any state or municipal criminal code, nor are they contemplated in any Division policy. Therefore there does not appear to be any action to be taken administratively for the conduct Sustained.

The remaining two allegations do however rise to the level of substantiation based on a preponderance of evidence standard. PO Kilbane did mislead the Medina Police Department during an official investigation by claiming he was not present at [REDACTED], when in fact he was, as evidenced by traffic camera footage and PO Kilbane's admissions. This action would be a violation of the crime of Obstructing Official Business (2921.19). PO Kilbane's conduct overall met the elements of the crime of Menacing by Stalking (2903.211) as independently found by the Medina County Domestic Relations Court. I concur with Lt. Cajka's recommendation that both these allegations be determined to be Sustained through the chain of command and recommend that formal disciplinary specifications be drafted and preferred through the Office of Chief for administrative disposition as indicated in the final report. I further recommend that this matter be closed as Sustained.

Christopher Paul Viland #3811
Superintendent, Internal Affairs
1/30/24

Reporting/Involved Citizen

SA
FA
I

SAFE
FAMI
INF

Race —

Ethnicity —

Role —

Address

Phone Numbers

[None Entered]

SAFETY FAMILY INFO

Email

Bryan Wagner

Date of Birth

Gender

Male

Race

Ethnicity

—

Role Involved Citizen-
Outside Agency
LE

Address

Phone Numbers

(330) 725-7777

150 West
Friendship Street
Medina, OH,
44256

Email

25

Date of Birth

25

Gender

Female

Race

Ethnicity

—

Role

—

Address

Phone Numbers

VI
RIG

VICTIM RIGHTS



Email

Involved Members

Patrol Officer Todd Kilbane

Assignment at time of incident Patrol Officer Field Operations/District 5/District Support Section/Community Response Unit/None None

Video Footage —
Role —
Height —
Weight —

- Linked Allegations
- Policy Violation - Other (Unfounded - 01/24/2024)
 - Criminal Misconduct (Not Sustained - 01/24/2024)
 - Policy Violation - Other (Sustained - 01/24/2024)
 - Safety Director - Dismissed - 04/24/2024
 - Policy Violation - Other (Sustained - 01/24/2024)
 - Safety Director - Suspension - 04/24/2024

Tasks

Task Description Due On Completed On Summary

LEADS & OHLEG Notifications 11/29/2023 10/30/2023 N/A

Case Description 11/01/2023 10/30/2023 On October 30, 2023, Lt. Bryan Wagner from Medina PD called IAU to report an incident that occurred between P.O. Todd Kilbane and his wife [REDACTED] [REDACTED] The Medina report (23-004389) indicates a possible menacing by stalking that's on-going involving P.O. Kilbane

where its alleged he has been putting tracking devices and/or recording devices in his wife's vehicle. (see report for additional details)

FIT Synopsis to Chief	10/31/2023	10/30/2023	n/a
FIT Prelim Garrity Interviews	10/31/2023	10/30/2023	N/A
FIT Full Garrity Interviews	11/02/2023	10/30/2023	N/A
Contact/Interview Complainant	11/02/2023	11/03/2023	10/30/2023 - Contacted Lt. Wagner with Medina Police Department. 11/1/2023 - Contact Brunswick police dept. Message. left. 11/2/2023- contact Brunswick police. Spoke with Lt. Hoover c/w Brunswick police call for service report. 11/3/2023 - Contact [REDACTED] message left.
FIT Thorough Review w OIC	11/09/2023	10/30/2023	N/A
Witness Canvass	11/02/2023	11/01/2023	incident occurred outside of the city in Medina and Brunswick and being monitored.
Video Evidence Canvass	11/06/2023	10/31/2023	10/31/2023 - Canvass the area of [REDACTED] for video. No video surveillance located.
Medical Records Request	11/06/2023	10/31/2023	N/A
FIT Training Assessment Request	11/06/2023	10/30/2023	N/A

FIT Unit Incident Response Debrief	11/13/2023	10/31/2023	N/A
Complainant Update	11/29/2023	01/16/2024	1/16/2024 - [REDACTED] contacted and updated regarding investigation.
FIT Prosecutorial Review	01/28/2024	10/31/2023	N/A
Admin Garrity Interview	02/27/2024	01/16/2024	1/8/2024 - Order to appear sent to Officer Kilbane for January 16, 2024. 1/16/2024 - Garrity interview completed with Officer Kilbane.
Case Management Review 30	11/29/2023	11/16/2023	11/16/2023 - Case reviewed with Lt. Cajka.
Case Management Review 60	12/29/2023	12/05/2023	12/5/2023 - Case reviewed with Lt. Cajka.
Case Management Review 90	01/28/2024	12/27/2023	12/27/2023 - Case reviewed by Lt. Cajka.
Non Fit Prosecutorial Review	01/28/2024	01/05/2024	1/5/2023 - Discovered criminal allegation presented to Prosecutor Jordan. No papers issued.

Running Sheet Entries

Created Date	Author	Summary
10/30/2023	Sergeant Michael Matson	10/30/2023 - Conf w/ Lt. Wagner of Medina PD regarding their investigation. 10/30/23 - email sent to Medina Police Taylor requesting video and related documents. 10/31/2023 - Video pick up from Medina Police Department completed. Contacted Brunswick

Created Date	Author	Summary
		Police Department. Voicemail left.
		Searched Medina
		County Court Docket and Brunswick
		court docket. No results located for
		Officer Kilbane.
		11/1/2023. Medina Domestic relations
		court petition received.
		Notified EAU Sgt.
		Dawson c/w 3rd party allegation of of
		harming self.
		Contact Brunswick Police
		Lt. Safran. Voicemail left.
		11/2/2023 - Conf w/ Brunswick PD Lt.
		Hoover and Lt. Shafer. Call for service
		document provided and info
		exchanged. Will
		officers video.
		11/3/2003 - video picked up from Lt.
		Hoover at Brunswick Police
		Department. Info exchanged with Lt.
		Hoover.
		Contact Range Unit.
		Officer Kilbane's firearm verified at the
		range by Officer OConner.
		11/7/2023 - Check court docket.
		information available.
		11/16/2023 - Contact Medina
		Domestic courts 330-725-9740. Conf
		w/ Matthew Abberegg. . Civil
		protection order is active.
		next court date
		November 20, 2023 at 0900. Order
		will still be in place up to 7 days after
		court date.
		11/16/2023 - Emailed sent to medina
		Lt Wagner and Brunswick Lt. Hoover
		requesting an update or if there is a
		criminal
		investigation.
		11/29/2023 - Phone interview with
		Kilbane. Advised hearing scheduled
		for November 30, 2023 c/w protection

Created Date

Author

Summary

order.

12/1/2023 - Message left for Matt abbregg for follow up.

12/5/2023 - Contact Medina Domestic Relations court. message left.

12/11/2023 - Conf w/ [REDACTED] by phone. Advised she was notified the protection order is no longer valid.

Contact Medina

Domestic Relations courts. Conf with Matt Abbregg. advised the civil protection order was

denied on December 6, 2023 and has 14 day objection period (Dec 20). Abbregg will email documents once the

objection period is completed.

12/12/2023 - LEADS and OHLEG audit requested by email (ohleg) and fax (LEADS).

12/27/2023 - Abbregg sent the Domestic Relations court decision by email. Email sent to Brunswick PD and Medina PD

requesting update and verify any criminal investigation. Lt. Hoover Brunswick PD verified no criminal investigation

or new reports.

1/3/2023 - Medina PD Lt. Wagner responded by email that no criminal charges pending.

1/4/2023 - Conf w/ TIU Officer Angeloni c/w LERMS Audit.

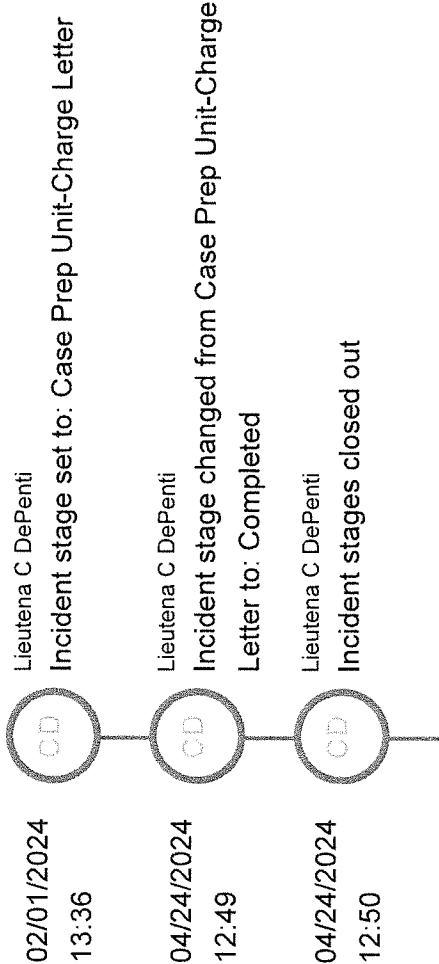
1/4/2023 - Voluntary statement requested by email.

Attachments

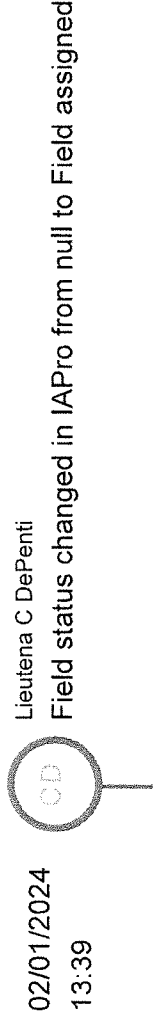
Date Attached	Attachment Description	Attachment Type
01/10/2024	Medina Video Review	pdf
01/10/2024	☐ ≤ Phone Interviews	pdf
01/10/2024	Prosecutor Review Summary	pdf
01/10/2024	Brunswick Police Video Review	pdf
01/10/2024	Civil Protection Order Review	pdf
01/10/2024	Civil Protection Order	pdf
01/10/2024	Audit Letter 23-0809	pdf
01/10/2024	Officer Kilbane's form-1	pdf
01/10/2024	Brunswick Police Contact and Doc Review	pdf
01/10/2024	JE_MD_ 2023DV0211	pdf
01/10/2024	CAD CALL23495856 Brunswick	pdf
01/10/2024	Medina PD Video and document request	pdf
01/10/2024	LEADS Audit Fax Request	pdf
01/10/2024	CAD CALL23477623 Brunswick	pdf
01/10/2024	Brunswick Court Docket	PNG
10/30/2023	Fw_ 23-4389 -	pdf
01/30/2024	LEADS OHLEG and LERMS Audit	pdf
01/10/2024	Canvass	pdf
01/10/2024	Medina Court Docket	PNG
01/10/2024	Medina Domestic Court Email	pdf
01/10/2024	Medina PD Follow up No CC	pdf
10/30/2023	Fw_ Report 23-004389 -	pdf
01/10/2024	Brunswick PD Email No Criminal Investigation	pdf
01/10/2024	Medina Police and Brunswick Police Disposition	pdf
01/17/2024	Garrity Interview Officer Kilbane	pdf
01/10/2024	Medina PD Report 23-004389	pdf
01/10/2024	Medina EMail No CC	pdf

Date Attached	Attachment Description	Attachment Type
01/30/2024	Final Report CPD2023-0129	pdf
01/10/2024	LERMS Search scharsch	PNG
01/10/2024	Kilbane, T_ #2234 Restricted Duty -Administrative #219	pdf
01/10/2024	Voluntary Statement Request	pdf
01/10/2024	2347547 Brunswick Report	pdf
01/10/2024	2344071 Bruswick Report	pdf
01/10/2024	Domestic Relations Court Decision	pdf
01/30/2024	LEADS Audit	pdf
01/10/2024	Initial Report	pdf
01/10/2024	Prosecutor Disposition	pdf
01/10/2024	Evidence.com Case File	—
01/10/2024	Kilbane Audit OHLEG	pdf
01/10/2024	Felony review form	pdf

Stage History



Assignment History





Chain of Command History

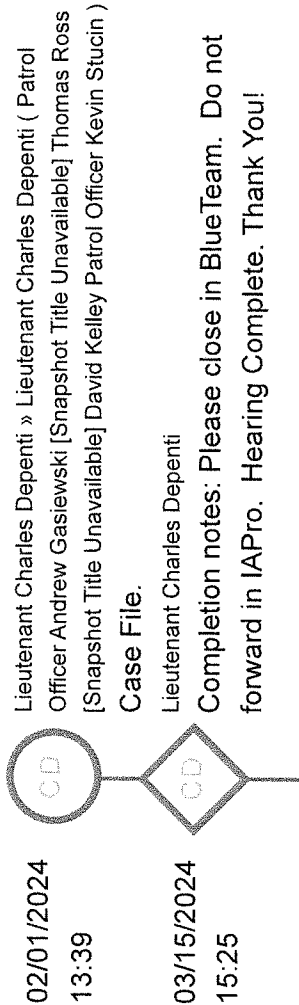


EXHIBIT G

FORM 10-C:

2023060211

WARNING CONCERNING THE ATTACHED
PROTECTION ORDER OR CONSENT AGREEMENT COMMON PLEAS COURT

NOTE: Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence require this Warning to be attached to the FRONT of all civil and criminal EX PARTE or FULL HEARING protection orders issued by the courts of the State of Ohio.

20230602 11:21 AM

FILED
CLERK OF COURTS
MEDINA COUNTY

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by incarceration, fine, or both and may cause the revocation of your bond or result in a contempt of court citation against you.

This Protection Order is enforceable in all counties in Ohio and 50 states, the District of Columbia, tribal lands, and U.S. territories pursuant to state law and the Violence Against Women Act, 18 U.S.C. 2265. Violating this Protection Order may subject you to state and federal charges and punishment.

Only the Court may change the terms of this Protection Order. The Petitioner/Alleged Victim/Protected Person cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim/ Protected Person, even with the person's permission, you may be arrested. Only the Court may change or end this Protection Order. Unless the Court changes or ends this Order, you may be arrested for violating this Protection Order. **YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

WARNING TO PETITIONER / ALLEGED VICTIM

You cannot change the terms of this Order by your words or actions. Only the Court may allow the Respondent/Defendant to contact you or return to your residence. This Protection Order cannot be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND OTHER DEADLY WEAPONS

As a result of this Protection Order or Consent Agreement, it may be a federal crime for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to 18 U.S.C. 922(g)(8) for the duration of this Order. If you have any questions whether the law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult with a lawyer.

This Protection Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) only with respect to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/ Respondent has been convicted of an offense of violence, for example, domestic violence, menacing by stalking, etc., against a family or household member.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all counties in Ohio. Violation of this Protection Order is a crime under R.C. 2919.27. Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2151.34, 2903.213, 2903.214, 2919.26, 2919.27, and 3113.31. If you have reasonable grounds to believe that the Respondent/Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain the Respondent/ Defendant until a warrant may be obtained. Federal and state law prohibits charging a fee for service of this Order to the Petitioner/Alleged Victim or protected parties.

Medina
IN THE COURT OF COMMON PLEAS
COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is Indexed at

Case No. 2023DV0211
Judge/Magistrate David B. Wadsworth
Schafer/Wright
MEDINA COUNTY,
CLERK OF COURTS.

Medina

LAW ENFORCEMENT AGENCY WHERE INDEXED

()
PHONE NUMBER

State

OHIO

DOMESTIC VIOLENCE CIVIL PROTECTION ORDER
(DVCPO) EX PARTE (R.C. 3113.31)

PETITIONER:

PERSON(S) PROTECTED BY THIS ORDER:

[REDACTED]

Petitioner: [REDACTED]
Petitioner's Family or Household Members:
(☐ Additional forms attached.)

First Middle Last

v.

DOB: [REDACTED]

DOB:

DOB:

DOB:

DOB:

RESPONDENT:

Todd Kilbane
First Middle Last

Relationship to Petitioner: spouse

Address where Respondent can be found:

[REDACTED]

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
m	White	5'7"	185
EYES	HAIR	DOB	
blue	blonde	/	/
DRIVER'S LIC. NO.		EXP. DATE	STATE

Distinguishing Features: none

☒ WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS -- PROCEED WITH CAUTION

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. Additional findings of this Order are set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until 10 / 30 / 2024

UNLESS EXTENDED BY
SEPARATE ENTRY.

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

This proceeding came on for an *ex parte* hearing on 10 / 30 / 2023 (Respondent not being present), upon the filing of a Petition by Petitioner for a Domestic Violence Civil Protection Order (DVCPO) against Respondent, pursuant to R.C. 3113.31. In accordance with R.C. 3113.31(D)(1), the Court held an *ex parte* hearing on the same day that the Petition was filed.

The Court finds that the protected persons herein are in immediate and present danger of domestic violence and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order from domestic violence.

The Court also finds

☐ Additional findings on a separate page are included and attached herein.

RESPONDENT SHALL NOT ABUSE, harm, -attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☒ 1. RESPONDENT SHALL IMMEDIATELY VACATE the following residence:

SA
PE
I

☒ **2. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at:
[REDACTED]

is granted to: [REDACTED] 21 Respondent shall not interfere with the protected persons' right to occupy the residence including, but not limited to cancelling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☒ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

☒ **4. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order even with the permission of a protected person. [NCIC 04]

☒ **5. RESPONDENT SHALL STAY AWAY FROM ALL** protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, even with a protected person's permission. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart immediately. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☒ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order even with the permission of a protected person. [NCIC 05]

☒ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☒ **8. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE**, 2015 Honda Pilot, to the law enforcement agency that served Respondent with the Order or as follows:

and Petitioner is granted exclusive use of this motor vehicle.

☒ **9. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:

☒ **10. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY COMPANION ANIMALS OR PETS** owned or possessed by the protected persons named in this Order.

FORM 10.01-H: DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (DVCPO) *EX PARTE*

Amended: April 15, 2021

Discard all previous versions of this form

- ☒ 11. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS owned by Petitioner from the possession of Respondent:
female dog known as Peyton

Exchange of the listed companion animals or pets shall take place as follows:
currently in Petitioner's possession

- ☒ 12. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON to do any act prohibited by this Order.

- ☒ 13. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON at any time while the Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

- ☒ 14. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than 10/31/2023 or as follows:
within 24 hours of being served with this Order.

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a full hearing order is not issued or consent agreement approved, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

- ☒ 15. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

- ☐ 16. PETITIONER IS AN UNMARRIED FEMALE who gave birth to _____
(a child) born on _____. As set forth in R.C. 3109.042, Petitioner is the sole residential parent or legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent or legal custodian.

- ☐ 17 PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:
[NCIC 09]

This Order applies to the following ☐ child ☐ children:

- ☐ 18. PARENTING TIME ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.

- ☐ (A) Respondent's parenting time rights are suspended; or
☐ (B) As a limited exception to paragraphs 5 and 6, temporary parenting time rights are established as follows: [NCIC 06]

This Order applies to the following ☐ child ☐ children:

☐ 19. **LAW ENFORCEMENT AGENCIES**, including but not limited to, _____ are ordered to assist Petitioner in gaining physical custody of the ☐ child ☐ children, if necessary.

☐ 20. **RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows:

☒ 21. **RESPONDENT MAY PICK UP CLOTHING** and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven or _____ days of the filing of this Order. Arrangements may be made by contacting:
Brunswick Police Department or Medina County Sheriff's department

☒ 22. **RESPONDENT SHALL NOT USE OR POSSESS** ☒ alcohol or ☐ illegal drugs.

☒ 23. **RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers:

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

☐ 24. **IT IS FURTHER ORDERED:** [NCIC 08]

25. **ALL DISCOVERY SHALL STRICTLY COMPLY** with Civ.R. 65.1(D).

26. **THE CLERK OF COURT SHALL CAUSE A COPY OF THE PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENT** to be served on Respondent as set forth in Civ.R. 65.1(C)(2). The Clerk of Court shall also provide copies of the Petition and certified copies of this Order to Petitioner upon request.

27. **THIS ORDER DOES NOT EXPIRE** because of a failure to serve notice of the full hearing upon Respondent before the date set for the full hearing or because the Court grants a continuance, as set forth in R.C. 3113.31(D)(2)(b).

28. **THIS ORDER SURVIVES** a divorce, dissolution of marriage, or legal separation. Any subsequent order from this Court, another domestic relations court, or juvenile court may modify paragraphs 16, 17, 18, and 19.
29. **IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER** for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

IT IS SO ORDERED.


 JESSICA A. WRIGHT
 JUDGE/MAGISTRATE

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A FULL HEARING on this Order, and on all other issues raised by the Petition, shall be held before Judge or Magistrate:

Jessica A. Wright

on the 6th day of November, 20 2023

at 1:00 ☐ a.m. ☒ p.m. at the following location:

Medina Domestic Relations Court
 225 East Washington Street
 Medina, OH

On the day of the Full Hearing, come prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) be aware that the other party or the party's attorney may ask you questions. If you do not have an attorney, you may ask for a brief continuance to obtain an attorney per R.C. 3113.31(D)(2)(a)(iii) or you may represent yourself.

Parties do not have to give discovery, answer questions, or give information to the other party or the other party's lawyer unless ordered by judge or magistrate (Civ.R. 65.1(D)(2)).

TO THE CLERK

A COPY OF PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(2).

COPIES OF THIS ORDER AND OTHER ACCOMPANYING DOCUMENTS SHALL BE DELIVERED TO:

- ☒ Petitioner
☐ Petitioner's Attorney
☒ Law Enforcement Agency Where Petitioner Resides:
 Brunswick Police Department
☒ Sheriff's Office:
 Medina
☐ Law Enforcement Agency Where Petitioner Works:
☐ CSEA
☒ Other: Cleveland Police Department

IN THE COURT 2023 OCT 30 AM 10:45
COUNTY, OHIO

2023090211
FILED
CLERK OF COURTS

Petitioner

Case No.

VICTIM RIGHTS

VICTIM RIGHTS

JUDGE JULIE SCHAFER

Judge/Magistrate

Address (Safe mailing address)

City, State, Zip Code

Date of Birth

PETITION FOR DOMESTIC VIOLENCE CIVIL
PROTECTION ORDER (R.C. 3113.31)

v.

TODD KILBANE

Respondent

Address (If home address unknown, put work address)

City, State, Zip Code

Date of Birth

☒ Respondent is 18 years old or older

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐ 1. I need or witness needs a foreign language interpreter in _____ or an American Sign Language Interpreter per Sup.R. 88.

☒ 2. I ☒ want ☐ do not want an *ex parte* (emergency) protection order per R.C. 3113.31. Petitioner further requests a full hearing trial be scheduled, even if the *ex parte* protection order is granted, denied, or not requested.

☐ 3. Who needs protection?

- ☒ Me
☐ My minor children
☐ A family or household member who is not a minor child
☐ Other

4. What is the domestic violence victim's relationship to Respondent?

- ☒ Spouse of Respondent
☐ Child of Respondent
☐ Former spouse of Respondent
☐ Parent of Respondent
☐ Foster Parent
☐ Natural parent of Respondent's child

☐ Other relative (by blood or marriage) of Respondent/ Petitioner who has lived with Respondent at any time

☐ Person "living as a spouse of Respondent" is defined as:
 now cohabiting;
 or cohabited within five years before the alleged act of domestic violence

5. I have listed below all family or household members who need protection, other than me or the person for whom I am filling the Petition. (Leave blank if you are not including other family or household members.)

NAME	DATE OF BIRTH	RELATIONSHIP TO PETITIONER	RELATIONSHIP TO RESPONDENT	THIS PERSON LIVES WITH PETITIONER ☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO

6. Petitioner requests a Domestic Violence Civil Protection Order.

You must describe Respondent's threats or actions that made you request a protection order, including if children were present when the acts took place. When did it happen? (If you do not know exact dates, give approximate dates). Explain why you believe you or your family or household members are in danger. If you need more space, attach an additional page.

MY HUSBAND AND I ARE IN PROGRESS OF DIVORCE. HE IS NOW STAYING ME. ON 9/12/23 I FOUND AN AIRTAG TRACKER IN MY VEHICLE. IT WAS FOUND UNDER THE PASSENGER SEAT. ON 10/13/23 I FOUND A GPS TRACKER UNDER MY VEHICLE ON THE BACK RIGHT SIDE (BY THE TIRE). A POLICE REPORT WAS FILED THAT DAY WITH THE ORDNANCE POLICE. THEY REMOVED THE TRACKER & GAVE IT TO ME. ON 10/12/23 I WAS PARKED AT A LOCAL RESTAURANT AND LEFT MY PHONE IN THE CAR. WHEN I RETURNED TO MY CAR, MY PHONE WAS LOCKED OUT DUE TO TOO MANY FAILED ATTEMPTS TO LOG ON TO MY PHONE. WHEN I REGAINED ACCESS TO MY PHONE, I SAW A TEXT FROM TODD SAYING "WHERE DID YOU GO NOW? THE GYM? WINK WINK" I AM UNSURE HOW HE GAINED ACCESS TO MY VEHICLE, AS I HAVE BOTH MY KEYS IN MY POSSESSION. THE FACT THAT HE FOUND MY VEHICLE AT THE RESTAURANT LEADS ME TO BELIEVE HE PUT ANOTHER TRACKER IN MY CAR OR HE IS FOLLOWING ME. ON 10/29/23, AFTER NOT COMING HOME, TODD CAME INTO THE HOUSE AT 8:30 AM. HE TRIED TO OPEN MY LOCKED BEDROOM DOOR. AT THAT POINT HE KEPT KNOCKING ON MY DOOR AND IN A DERANGED VOICE ASKING WHY I AM NOT RESPONDING TO HIS TEXTS AND HE NEEDED TO TALK TO ME. FEARFUL OF WHAT HE WOULD DO TO ME I STAYED IN MY LOCKED ROOM BEING FROZEN AS TO WHAT TO DO NEXT. AFTER AN HOUR AND 45 MINUTES ARRANGEMENTS WERE MADE FOR MY 23 YEAR OLD SON HELP ME GET OUT THE HOUSE SAFELY. PRIOR TO LEAVING MY LOCKED ROOM I TEXTED TODD TO NOT COME NEAR ME WHEN I LEAVE THE ROOM. I HEARD HIM STORM UPSTAIRS FROM THE BASEMENT YELLING

20230V0211

MEDINA COUNTY COMMON PLEAS COURT
DOMESTIC RELATIONS DIVISION

2023DV0211

21

PLAINTIFF/PETITIONER

CASE NUMBER

-VS-

TODD KILBANE

DEFENDANT/PETITIONER

I WILL GO WHERE EVER I WANT IN THIS HOUSE, HE PROCEEDED TO WAIT IN THE LIVING ROOM FOR ME TO COME OUT OF MY LOCKED ROOM WHEN MY SON ARRIVED I RAN OUT OF MY ROOM, THROUGH THE LIVING ROOM AND INTO THE GARAGE. HE BEGAN TO FOLLOW ME AND SCREAM AT ME AS I GOT IN THE CAR. MY SON AND I DROVE TO HIS APARTMENT AND TODD CALLED TYLER AT DEMANDING TO KNOW WHERE I WAS GOING. UPON ARRIVAL AT TYLER APARTMENT, I REALIZED I FORGOT MY DOG'S MEDS. AS I WAS LEAVING THE PARKING LOT, I THOUGHT I SAW TODD'S CAR, MY SON RECEIVED A CALL FROM MY SON TWO MINUTES AFTER I LEFT ASKING WHERE I WAS GOING. AGAIN, HE EITHER HAD A TRACKER ON ME OR FOLLOWING ME. LATER THAT EVENING AFTER RETURNING FROM AN ERRAND, I SAT IN MY CAR AT MY SON'S APARTMENT PARKING LOT. WHILE ON THE PHONE, TODD APPEARED OUT OF NOWHERE, HE PRETENDED HIS FACE AGAINST THE DRIVER SIDE WINDOW & SCREAMED SOMETHING AT ME THAT WAS NOT COHERENT. I TOLD HIM I AM CALLING POLICE. HE RAN BACK TO HIS CAR AND DROVE OFF. 911 WAS CALLED, THE POLICE FILED A REPORT AND FOUND AN AUDIO RECORDING DEVICE IN THE BACK POCKET OF THE DRIVER'S SIDE. THE POLICE LATER CONTACTED TODD. HE DENIED BEING IN THE APT PARKING LOT AND DENIED PUTTING AUDIO DEVICE IN MY CAR. DUE TO THESE RECENT EVENTS, I AM FEARFUL FOR MY LIFE. HE IS A LONG TIME CLEVELAND POLICE OFFICER (5TH DISTRICT) HE KEEPS HIS GUN IN THE HOUSE. HE DRINKS EXCESSIVELY. HE IS THREATENING TO GO TO MY JOB TO GET ME FIRED. I HAVE TO ALWAYS LOOK OVER MY SHOULDERS. I HAVE TO LOCK MY BEDROOM DOOR WHEN I SLEEP. I FEEL I AM IN DANGER AND WOULD LIKE HIM TO BE REMOVED FROM THE HOME, HE NEEDS TO STAY FROM ME."

SIGNATURE/DATE

21
RC
GC

10/30/23

2023DV0211

[Page 1 of 8 Form 10.01-D]

7. (Optional) You may describe, if you want and know, about any of the following items. Not describing these items in the Petition does not mean domestic violence did not happen. If you need more space, attach an additional page:

- Respondent's history of domestic violence or other violent acts;
- Respondent's history of violating court orders;
- Respondent's mental health;
- Respondent's threats to other persons;
- Respondent's access to deadly weapons, firearms, and ammunition or use of deadly weapons and acts or threats of violence with deadly weapon;
- Respondent's abuse of alcohol or controlled substances (drugs);
- Respondent's violence resulted in serious physical injury, forced sex, strangulation (or choking), abuse during pregnancy, abuse of the family's pet, and/or forced entry to gain access to Petitioner or Petitioner's family and household members;
- Recent separation from Respondent or relationship was recently terminated;
- Respondent's obsessive and controlling behaviors, including stalking, spying, following, and/or isolating you (Petitioner);
- Respondent's threats to kill self or others.

TODD IS A CLEVELAND POLICE OFFICER AND REED
GUN IN THE HOUSE
TODD DRINKS EXCESSIVELY
TODD AND I ARE IN PROCEED OF A DIVORCE
TODD HAS PUT AN AIR TAG DEVICE, GPS TRACKER &
AUDIO RECORDER IN MY VEHICLE
TODD IS FOLLOWING AND STALKING ME
YEAR AGO TODD JAT IN CAR W/ GARAGE CLOSED ENGINE ON
RECENTLY TODD HAD A BELT LOOP & A CHAIR BY A RASTER
AS IF GONNE TO HANG HIMSELF

B. Petitioner is in fear and in continuing danger.

9. Petitioner further requests that the Court grant relief under R.C. 3113.31 to protect Petitioner and/or the family or household members named in this Petition from domestic violence by granting a civil protection order that (check all boxes that apply):

- ☒ (a) Directs Respondent to not abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them.
- ☒ (b) Directs Respondent to not enter, approach, or contact by any means the residence, school, business, and place of employment of Petitioner and the family or household members named in this Petition.
- ☒ (c) Directs Respondent to not approach or have contact by any means with Petitioner and the family or household members named in this Petition.
- ☒ (d) Directs Respondent to leave, not return to, or interfere with Petitioner's right to occupy the residence, including but not limited to cancelling any utilities or insurance or interrupting phone service, mail delivery, or the delivery of any other documents or items, and grants Petitioner exclusive possession of the following residence:

VICTIM

R/S

2023DV0211

Page 4 of 7 Form 10.01-DJ

☐ (a) Allocates temporary parental rights and responsibilities for the care of the following minor children to Petitioner until further Order of the Court (include names and birth dates of the minor children):
N/A

☐ Petitioner has completed and attached the Information for Parenting Proceeding, Form 10.01-F and it is incorporated herein.

☐ (f) Establishes or modifies parenting time with the following minor children and requires parenting time to be suspended or supervised or to occur under such conditions that the Court determines will ensure the safety of Petitioner and the minor children (include names and birth dates of the minor children):
N/A

☐ Petitioner has completed and attached the Information for Parenting Proceeding, Form 10.01-F and it is incorporated herein.

☒ (g) Directs Respondent to provide financial support for Petitioner and the family or household members named in this Petition (Court may request additional information).

☒ (h) Directs Respondent to not remove, damage, hide, harm, or dispose of any property, companion animals, or pets owned or possessed by Petitioner.

☒ (i) Grants Petitioner permission to take Petitioner's companion animals or pets, as described below, away from the possession of Respondent:
Peyton (dog) to be under my care

☐ (j) Divides household and family personal property as follows:

☒ (k) Directs Respondent to permit Petitioner to have exclusive use of the following motor vehicle:
N/A → HONDA PIOT IS UNDER MY NAME

☒ (l) Directs Respondent to complete batterer counseling, substance abuse counseling, or other treatment or intervention as determined necessary by the Court.

☐ (m) Directs the wireless service provider to separate Petitioner's account from Respondent's account, per R.C. 3113.45 through 3113.459. Petitioner will assume all financial responsibility for any costs associated with the wireless service number and any costs for the device associated with the wireless service number.

VIC
G

Respondent's billing telephone number is:

Petitioner's contact information is on page 1 of this Petition. The wireless service numbers to be transferred to Petitioner which are used by Petitioner or the minor children in the care of Petitioner are:

PHONE SERVICES ARE NOW SEPARATE

2023DV0211

[Page 5 of 6 Form 10.01-D]

☐ (n) Includes the following additional provisions:

10. Petitioner further requests that the Court issue no mutual protection orders or other orders against Petitioner unless all of the conditions of R.C. 3113.31(E)(4) are met.
11. Petitioner further requests that if Petitioner has a victim advocate, the Court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by R.C. 3113.31(M).
12. Petitioner further requests at the *ex parte* hearing or full hearing that the Court grant such other relief as the Court considers equitable and fair, including orders or directives to law enforcement.
13. Petitioner has listed court cases (including divorce, custody, visitation, paternity, child support, children service/CPs case, animal cruelty, sexually oriented offense, no contact order, and protection order) and other legal matters regarding Respondent that may relate to this case: (Attach additional pages, if necessary.)

CASE NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE

The information above is true, complete, and accurate to the best of my knowledge. I understand that knowingly providing false information in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, or criminal penalties under R.C. 2921.13.


SIGNATURE OF PETITIONER

10/30/23
DATE

IF YOU DO NOT HAVE AN ATTORNEY, PLEASE LEAVE THE INFORMATION BELOW BLANK

Signature of Attorney

Attorney's Registration Number

Name of Attorney

Attorney's Telephone

Attorney's Address

Attorney's Fax

City, State, Zip Code

Attorney's Email

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION, MEDINA COUNTY, OHIO

Petitioner

: Case No.

2023DV0211

v.

TODD HILBANE

: Judge/Magistrate

JUDGE JULIE SCHAFER

Respondent

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(2), please serve Respondent a copy of the Petition, ex parte protection order, if
granted, and any other accompanying documents in the address below and as follows:

- ☒ Personal service
☐ Other (specify) _____

☐ Certified Mail, Return Receipt Requested

- ☐ Other (address): _____

- ☐ Personal service
☐ Other (specify) _____

☐ Certified Mail, Return Receipt Requested

SPECIAL INSTRUCTIONS TO SHERIFF: _____

SIGNATURE OF ATTORNEY OR PETITIONER

RETURN OF SERVICE

Respondent was served on _____

Officer and Badge Number

Law Enforcement Agency

Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by SHERIFF SERVICE this _____ day of _____

Attest: _____

Deputy Clerk

EXHIBIT H

COMMON PLEAS COURT

VI
RI
Petitioner

03713

DAVID B. WADSWORTH
MEDINA COUNTY
CLERK OF COURTS

-VS-

MAGISTRATE'S DECISION
Deny Civil Protection Order

MAGISTRATE'S FINDINGS

1. Petitioner filed a Petition for a Domestic Violence Civil Protection Order on October 30, 2023, asking for protection for herself.
2. Respondent was properly served on October 31, 2023.
3. The Magistrate heard testimony from Petitioner, Respondent, Lieutenant Steven Hoover, Officer Daryn Winebrenner, and Sergeant Sara Lynn. Respondent's Exhibits 1 and 2 were admitted with no objection.
4. Despite opposing opinions on whether a protection order should be granted, the parties' factual assertions are generally consistent with one another.

5. Petitioner and Respondent have been married for nearly thirty years. Since tracking abilities became available through iPhones and devices such as Tiles, the parties have consensually tracked one another's locations. This practice extended to their children as minors and continues by Petitioner to their now-adult children.
6. Respondent has suspected Petitioner of having an affair since mid-summer. Petitioner denies she is "dating" anyone, however, admits to physical infidelity and to "seeing" and "talking" to another man she sees regularly at the rec center/gym. Petitioner also stated she has been running for exercise to his house in the evenings since mid-summer.
7. On or around September 4, 2023, Petitioner returned home from a trip. Upon her arrival home, Respondent requested a divorce and turned off location tracking on his phone. In response, Petitioner turned off her location tracker. Both parties admit that if the other would turn on location tracking, the other would as well.
8. On or around September 12, 2023, Petitioner found an AirTag in the vehicle she primarily drives. The purpose of that device is to assist in locating whatever item to which the AirTag is attached. Upon confrontation, Husband admitted to placing the device in the vehicle. Petitioner states she was annoyed but otherwise unconcerned about this incident. Petitioner requested Respondent stop tracking her at that point.
9. On or around October 8, 2023, Respondent placed a GPS tracker on the underside of the vehicle Petitioner drives. Respondent admits to placing this device. The tracker was removed by law enforcement. When questioned by law enforcement, Respondent lied to the officer about his role with the tracker. Respondent later admitted his role to Petitioner but never corrected his statements to the officer. At this time, Petitioner again requested Respondent stop tracking her.

10. The parties agree, and the officer testified, that no criminal charges were filed regarding the October 8, 2023 incident as the vehicle was titled to Respondent at the time.
11. Respondent readily admitted to lying about this event to police officers during his testimony to the Court. Although Petitioner points to Respondent's lying as proof of his poor credibility, the Magistrate finds that Respondent's willingness to admit his negative behavior and lies under oath bolster his credibility.
12. The parties continued to live together and work out the division of their financial assets and liabilities in preparation for a dissolution or divorce after the October 8th incident. After that incident, Petitioner insisted title to the vehicle she primarily drove be transferred to her name. Respondent agreed. Title was transferred.
13. Petitioner alleges that, after the title on the vehicle was transferred, on the evening of October 27, 2023, someone went into her vehicle in Panini's parking lot and attempted to gain entry to her phone. She believes it was Respondent. Respondent denies this and states he was away from the area for the weekend. Petitioner agrees that Respondent was away for the weekend and stated there was no sign of forced entry on her vehicle. Petitioner presented no proof that Respondent was around Panini's, that she had locked her vehicle, that Respondent tried to break into the car or had a key, or any other circumstantial evidence to suggest it may have been Respondent that attempted to access her phone. The Magistrate finds Petitioner's insistence that this incident must have been Respondent -- despite the extreme lack of evidence -- harms her credibility.
14. Petitioner alleges that on or about October 29, 2023, when Respondent arrived home in the morning, Respondent knocked on Petitioner's bedroom door and spoke to her in a "deranged voice." Petitioner stated Respondent's manner terrified her into silence.

15. During the hearing, Respondent played an audio recording of this event that Petitioner admits is a true (albeit shortened) recording of what occurred that morning (Respondent's Exhibit 1). The full recording was submitted to the Court for review. After listening to the entire recording, the Magistrate finds that Respondent's behavior, sounds made, cadence, tone, and language used were no different than his affect during the hearing. Petitioner's accusations that Respondent was acting "deranged" that morning are unfounded and harm Petitioner's credibility.
16. Petitioner left the home shortly after the "bedroom door incident." Petitioner accuses Respondent of following her around the home as she left her bedroom and went to the car to leave which she claims scared her. Respondent admits to attempting to confront Petitioner in the garage after Petitioner was already in her vehicle. Both parties testified Respondent stood near the back passenger corner of the vehicle. Respondent admits to yelling and calling Petitioner a "whore" as she left.
17. Later that afternoon, Petitioner notified Respondent she was going to their adult son's home that evening.
18. Petitioner states, and Respondent admits, sometime around 9:30 PM that same evening, Petitioner was in her vehicle in their son's apartment complex parking lot on the phone when Respondent appeared at her vehicle window. Petitioner then began screaming that she would call the police. Respondent immediately backed away and left the vicinity.
19. Petitioner asked their adult son call the police. The responding officer appeared at the hearing and credibly testified that Petitioner was hysterically crying while she was giving her statement.

20. That evening, with the officers' assistance, Petitioner found an audio recording device (not a tracker) in a pocket of her vehicle. Respondent admits he placed the recording device in the vehicle that morning.
21. Petitioner sought an ex parte civil protection order the morning of October 30, 2023 and one was granted that same day.
22. On November 2, 2023, Petitioner filed multiple police reports about these incidents, including the September 12, 2023 Air Tag incident.
23. Petitioner states she has suffered mental distress from Respondent's actions such that she has a hard time sleeping, has lost weight, has felt the need to change where she parks for work, and has changed the locks on the marital residence.
24. Both parties' testimony established that Respondent has never once hit, pushed, or physically harmed Petitioner in any way. Respondent has never threatened Petitioner in any way. Respondent has never once brandished his firearm or utilized his employment in any inappropriate manner toward Petitioner (he is a police officer). Petitioner was unable to explain why she was concerned about "what he was capable of."
25. There have been no violations of the ex parte protection order issued October 30, 2023.
26. Petitioner is requesting a 5-year Domestic Violence Civil Protection Order based on the commission of a "violation of section 2903.211 of the Ohio Revised Code." The statute prevents a person from committing Menacing by Stalking statute and states:

(A)(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. ***[.]

27. A “pattern of conduct” is defined as two or more actions or incidents closely related in time. *R.C. 2903.211(D)(1)*.
28. “A person acts knowingly, regardless of purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.” *R.C. 2901.221(B)*.
29. R.C. 2903.221(D)(2) states that “Mental distress” is defined as any of the following:
- a. Any mental illness or condition that involves some temporary substantial incapacity.
 - b. Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.
30. “Mere mental stress or annoyance does not constitute mental distress for purposes of the menacing by stalking statute.” *M.B. v. L.D.*, 9th Dist. Medina No. 23CA0006-M, 2023-Ohio-3560 citing *W.B. v. T.M.*, 9th Dist. Summit No. 19CA011474, paragraph 10, 2020-Ohio-853.
31. “Incapacity is substantial if it has a significant impact upon the victim’s daily life.” *Id* citing *State v. Willet*, 2012-Ohio-1027, paragraph 10, quoting *State v. Payne*, 178 Ohio App.3d 617, 9th Dist. 2008-Ohio-5447.
32. R.C. 3113.31(E)(1) provides that the trial court may grant a protection order after a full hearing “to bring about a cessation of domestic violence.” “Thus, protection orders are intended to prevent further domestic violence.” *Wetterman v. B.C.*, 2013-Ohio-57 (9th Dist. 2013) citing *Felton v. Felton*, 79 Ohio St.3d 34, 41, 679 N.E.2d 672 (1997). “In order for a civil protection order to issue, ‘the trial court must find that petitioner has

shown by a preponderance of the evidence that petitioner or petitioner's family or household members are in danger of domestic violence.'" *R.C. v. J.G.*, 2013-Ohio-4265 (9th Dist. 2013) citing *Felton* at paragraph two of the syllabus. "'Preponderance of the evidence entails the 'greater weight of the evidence,' evidence that is more probable, persuasive, and possess greater probative value.'" *M.B.* citing *Davis v. KB Compost Servs.*, 9th Dist. Summit No.21186, 2002-Ohio-7000, quoting *State v. Williams*, 5th Dist. Knox No. 01 CA 24, 2002-Ohio-4267.

33. The Supreme Court of Ohio has stated that "[i]n a civil case, in which the burden of persuasion is only by a preponderance of the evidence, rather than beyond a reasonable doubt, evidence must still exist on each element (sufficiency) and the evidence on each element must satisfy the burden of persuasion (weight)." *Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, paragraph two of the syllabus. See also *R.C. v. J.G.*, 2013-Ohio-4265.
34. The Magistrate finds that Respondent engaged in a pattern of conduct (October 8, 2023 GPS tracker and the October 29, 2023 audio recording device).
35. Respondent knew or should have known based on communication from Petitioner that she did not want to be tracked (despite their family's historical practice) and he knew or should have known that his repeated conduct was causing her distress.
36. Petitioner has suffered mental distress from Respondent's actions.
37. Respondent's actions ceased with the issuance of the ex parte order, which was in place for nearly six weeks before the trial date.
38. Respondent, though the perpetrator of bad acts, was more credible than Petitioner.
39. The Magistrate finds the evidence presented does not support a claim that Respondent

poses a risk of harm to Petitioner in the future.

40. While the basic elements of menacing by stalking have been met, the weight of the evidence presented does not rise to the level requiring future ongoing protection. The Magistrate finds that, under the specific circumstances of this case, a CPO is not required to bring about the cessation of violence or to protect Petitioner from further violence. In that regard, therefore, the Petitioner has failed to meet her required burden of proof.

MAGISTRATE'S DECISION

1. The Petition for a Domestic Violence Civil Protection Order is DENIED.
2. The *Ex Parte* Civil Protection Order issued October 30, 2023 is hereby TERMINATED effective December 6, 2023.
3. Respondent may reclaim any firearms and other deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC database.
4. Pursuant to R.C. §3113.31(G)(2), the Court, on its own motion, orders that the *Ex Parte* Civil Protection Order issued in this case, and all of the records pertaining to that *Ex Parte* Civil Protection Order be sealed after the time for appeal of this Entry has expired or after all appellate rights have been exhausted.

IT IS SO ORDERED.


MAGISTRATE ERIN DAZEY

NOTICE: A party may file written objections to this Magistrate Decision within fourteen (14) days of the filing date of the decision. A party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a

finding of fact or conclusion of law under 65.1(F)(3)(d) unless the party timely and specifically objects to that factual finding or legal conclusion as required by 65.1(F)(3)(d).

CLERK OF COURTS is hereby ordered to serve a copy of this order upon all parties not in default for failure to appear and make a notation upon the appearance docket of the party served, date of service, and method of service.

EXHIBIT I



CLEVELAND DIVISION OF POLICE GENERAL POLICE ORDER



EFFECTIVE DATE: NOVEMBER 12, 2019	CHAPTER: 1 - Administrative	PAGE: 1 of 10	NUMBER: 1.07.06
SUBJECT: DISCIPLINARY GUIDANCE			
CHIEF: <i>Calvin D. Williams, Chief</i>			

This General Police Order has been revised in its entirety

PURPOSE:

To establish guidelines for the imposition of corrective action within the Cleveland Division of Police. Written guidelines provide all members of the Division the assurance that corrective action will be imposed in an equitable manner while providing management with the discretion necessary to maintain fairness and the good order of the Division.

POLICY:

To ensure compliance to all laws of the United States, the State of Ohio, the Charter provisions and ordinances of the City of Cleveland, and the written directives of the Division of Police and the City of Cleveland. Additionally, members of the Division shall be responsible for adherence to all criminal laws in the jurisdictions in which they may be traveling.

The integrity of the Cleveland Division of Police is measured by the highest standards of personal conduct. The discipline system reflects the values of the Division while protecting the rights of both officers and citizens. The disciplinary guidance matrix is intended to create a culture of transparency, fairness, and consistency while maintaining the highest standards of professionalism and integrity in policing.

All disciplinary or non-disciplinary outcomes shall be decided without consideration of the member's race, religion, gender, sex, national origin, age, ethnicity, familial relationships or sexual orientation.

All disciplinary or non-disciplinary outcomes shall be decided without consideration of the high or low profile nature of the incident.

Supervisors shall follow the contractual procedures of the respective bargaining units. The discipline matrix applies to both sworn and non-sworn members of the Division unless there are contractual exceptions.

This Disciplinary Guidance is designed to accomplish the following goals:

1. Establish standards of corrective action to encourage compliance with all applicable laws, ordinances, rules, and directives.
2. Delineate categories of conduct for Group I, II or III policy violations.
3. Outline the presumptive discipline ranges within those categories and for specific policy violations based upon the severity of the violation.
4. Give notice to officers and the community of the likely sanction for a particular violation.

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5. Define and identify aggravating and mitigating factors to consider when determining the imposition of corrective action.
6. Provide the framework for consistent and fair corrective action.

DEFINITIONS:

Aggravating Factors - relevant facts and circumstances that increase the severity or culpability of a member's actions. Circumstances that constitute aggravating factors include but are not limited to: deceitfulness, dishonesty, maliciousness, injury or harm to the public or a member, prior history of corrective action, the supervisory or command rank of the officer who committed the violation, the existence of an actual or demonstrable legal or financial risk to the Division or the City (including, but not limited to, cases involving allegations of civil rights violations, unlawful search and seizure, excessive use of force or unlawful detention or arrest), loss or damage to the City or private property and prejudicial or biased conduct.

Corrective Action - any non-disciplinary or disciplinary action.

Dishonesty - *to act without honesty; to deliberately deceive, defraud or lie.*

False Statement - *a statement that is deliberately made and meant to deceive, or a statement that is intentionally untrue.*

Group I Violation - conduct that has a negative impact on the operations or professional image of the Division or that negatively impacts relationships with other officers, agencies or the public.

Group II Violation - conduct that is contrary to the values of the Division, or that interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.

Group III Violation - is conduct that involves a serious abuse or misuse of authority, unethical behavior, or an act that results in an actual or serious and adverse impact on officer or public safety or to the professionalism of the Division. Any violation of law, rule, policy or training which foreseeably results in death or serious physical harm to another person; or constitutes a willful and wanton disregard of Division values; or involves any act which demonstrates a lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.

Mitigating Factors - relevant facts and circumstances that decrease the severity or culpability of a member's actions. Circumstances that constitute mitigating factors include, but are not limited to, intent, truthfulness, lack of prior corrective action, willingness to accept responsibility and acknowledge wrongdoing, circumstances under which the rule was violated and prior work history.

Untruthfulness - *the act of being intentionally deceitful, the willful perversion of the truth in order to deceive, cheat, or defraud.*

Non-Disciplinary Action may take one of the following forms:

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Verbal Counseling: A discussion between the supervisor and the member where the member is advised and cautioned about unsatisfactory work performance or irregularities. Documentation of the Verbal Counseling shall be noted by completing a pre-structured Form-1 (Attachment A) titled Verbal Counseling (followed by the member's name/badge number) and forwarded through their chain of command in Blue Team, with all associated reports, to the Chief's Office.

Letter of Reinstruction: Any instruction or guidance issued by the Chief of Police to the member, where the member is advised of their action that needs correction and directing the member to review specific policies, procedures, or rules.

Remedial Training: Any instruction or guidance ordered to be completed by a member designed to correct a performance deficiency or misconduct. Remedial training may consist of classroom reinstruction or other job-related training. All remedial training records shall be retained in the Training Section and the Personnel Unit, with copies forwarded to the Case Preparation Officer.

Disciplinary Action may take one of the following forms:

Written Reprimand: A written documentation presented to the member from the Chief of Police or Director of Public Safety wherein the member is advised and cautioned about his/her unsatisfactory work performance or misconduct.

Suspension: A temporary prohibition of the member performing his/her duties as a result of the member's unsatisfactory work performance or misconduct issued by the Chief of Police or Director of Public Safety. The suspension period shall be without pay and served on consecutive working days, unless otherwise ordered by the Chief.

Demotion: A reduction of the pay grade of a member with a corresponding change in job duties and responsibilities as a result of the member's unsatisfactory work performance or misconduct issued by the Director of Public Safety.

Termination: An involuntary separation from employment initiated by the appointing authority as a result of the member's unsatisfactory work performance or misconduct.

I. Table of Discipline

A. The Table of Discipline (Attachment B) shall establish a presumptive range of corrective action for designated types of policy/procedural/protocol/rule violations, so that discipline for sustained violations may be imposed in a fair and consistent manner. Mitigating or aggravating factors shall be considered and may result in the adjustment of the discipline administered within the disciplinary range of the Group Violation identified.

1. Pursuant to the Cleveland Police Patrolmen's Association, Article XXIX and the Fraternal Order of Police Lodge 8, Article IV, Collective Bargaining Agreements, the Chief of Police may suspend an officer for ten days or less. If the Chief recommends a greater penalty, the Director of Public Safety will hear the disciplinary charge filed against the officer and render judgment on such charge and set the disciplinary penalty if any.

2. Pursuant to Cleveland Police Patrolmen's Association, Exhibit G, "*...an employee who tests positive for the first time for alcohol and who cooperated and fulfilled the obligations of Voluntary Participation in a Dependence Program, may be disciplined. The scope of such discipline shall be determined on a case by case basis, but shall not exceed three (3) working days...Employees must take part in the Voluntary Dependence Program in order to take advantage of the foregoing limitations on discipline.*"
 3. Pursuant to the Fraternal Order of Police, Lodge 8, Addendum A, "*...an employee who tests positive for alcohol shall be subject to discipline up to and including dismissal unless the employee agrees to participate in and satisfies the obligations of a treatment program...An employee who agrees to participate and satisfies the obligations of this treatment program will be subject to discipline up to a three (3) day suspension (but is also subject to additional discipline for other rules violations).*"
- B. The Table of Discipline will be reviewed annually and revised as necessary.
 - C. Violations are divided into three groups based on their seriousness. The severity of the discipline administered shall fit the seriousness of the violation. If there are mitigating or aggravating factors of which they are aware, supervisors shall include them in their recommendation for corrective action.
 - D. Three or more sustained violations occurring in the same group within a three year period automatically progresses the discipline into the next higher group.
 - E. Multiple violations arising from a single event or incident may escalate the disciplinary action to the maximum group range.
 - F. A member may be subject to transfer if he/she is found guilty of a Group II or Group III violation based on the underlying conduct of the discipline and the minimum requirements of the assignment. The Chief of Police may also suspend or terminate secondary employment privileges, ceremonial team, special detail assignment, task force, FTO program privileges, and acting out of rank duties.
 - G. AWOL (absence from duty without leave), social media policy violations, tactical and training violations, failure to notify a supervisor or violation of a court order can result in a Group I, II or III violation, as defined in this General Police Order.
 - H. Pursuant to 18 U.S.C. § 922(g), if an officer is convicted of a misdemeanor offense that involves the use of physical force, attempted use of physical force, or threatened use of a deadly weapon against a person with whom the officer is or has been involved in a specified domestic relationship as defined by applicable law, the officer may no longer possess a firearm, including a service weapon. Therefore, it is a weapons disability, and the City will also take appropriate disciplinary action as contemplated for Group III violations.
 1. A domestic relationship, as defined by 18 U.S.C. § 921(a) (33) (A), is one where the offender is the current or former spouse, parent, or guardian of the victim; the offender shares a child in common with the victim; the offender who is cohabiting

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with or has cohabitated with the victim as a spouse, parent, or guardian; or the offender is similarly situated to a spouse, parent, or guardian of the victim.

I. The following are examples of violations within each disciplinary category. The violations listed are not intended to be all-inclusive.

1. **Group I Violations**

- AWOL
- Court; failure to appear
- Discourtesy; rudeness
- Equipment; unauthorized; failure to properly control or maintain
- Erroneous reporting
- Failure to attend required Division training when scheduled
- Failure to notify supervisor of a Group I Violation
- Grooming and uniform violations
- Improper tow
- Leaving zone, district or city without supervisory approval
- Minor misdemeanor offenses as defined by O.R.C. 2901.02 excluding minor traffic violations
- Operating motor vehicle with expired driver license
- Police vehicle; failure to properly maintain; preventable motor vehicle accidents
- Police vehicle operations; flagrant violations (e.g., excessive speed)
- Prisoners; failure to properly search resulting in discovery of weapon or contraband after member searched the prisoner; improper booking
- Reports; failure to submit or timeliness
- Response status; improper or unauthorized emergency response
- Secondary employment; unauthorized
- Social media policy violations
- Tactics; violation of training
- Tardiness
- Unsatisfactory performance
- Vehicular pursuit/emergency driving; unauthorized/improper
- Violation of a court order
- WCS; improper usage (see GPO 4.06.04 Wearable Camera System)
- Other similar misconduct

2. **Group II Violations**

- AWOL
- Abusive/demeaning language
- Calls for service; failure to respond, investigate, arrest, and/or properly clear
- Conduct unbecoming
- Computers; unauthorized or improper use/access; LEADS violations
- Diminish the esteem of the Division; disparaging or offensive statements or conduct regarding the Division

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- Failure to notify supervisor of a Group II Violation
- Failure to supervise subordinates
- Firearms violations which did not result in injury or death; unattended or careless handling
- Harassment
- Mishandling or improper preparation of criminal case resulting in declination to prosecute or dismissal
- Off-duty O.V.I. or related offenses
- Prisoners; failure to properly search or secure resulting in escape or discovery of weapon or contraband
- Sleeping on duty
- Social media policy violations
- Tactics; violation of training
- Violation of a court order
- Other similar misconduct

3. **Group III Violations**

- AWOL
- Alcohol/drug use on duty
- Any conviction resulting in a weapons disability
- Communication of confidential information that may jeopardize a police action
- Dereliction of duty
- Discrimination; bias policing
- Drug-related violations
- Engaging in sexual activities while on duty
- Excessive force; physical force not within policy
- Exercise of authority while under suspension
- Failure to notify supervisor of a Group III Violation
- Failure of a random alcohol test [See I. A. 2 and 3]
- Failure of random drug test
- False report; false statement; untruthfulness; dishonesty
- Intentionally omitting or concealing information related to misconduct
- Felonies and serious misdemeanor offenses
- Firearms violations resulting in death or serious injury
- Gross immorality violations
- Gross neglect of duty
- Insubordination
- Off-duty O.V.I. or related offenses (second offense)
- Operating motor vehicle while privilege revoked or suspended
- Retaliation; coercion or intimidation
- Secondary employment (revoked)
- Sexual Harassment (see General Police Order 1.1.07 Sexual Harassment Policy)
- Social media policy violations

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- Tactics; violation of training
- Violation of a court order
- Vehicular pursuit/emergency driving; unauthorized/improper (resulting in death or serious bodily injury)
- Workplace violence (see GPO 1.02.09 Violence in the Workplace)
- Other similar misconduct

J. Ranges of Non-Disciplinary and Disciplinary Actions

1. **Group I Violations.** Corrective action shall range from non-disciplinary verbal counseling to a five-day suspension without pay.
 - a. First Group I violation and mitigating factors outweigh any aggravating factors or no aggravating factors present (non-disciplinary verbal counseling to written reprimand).
 - b. First Group I violation and aggravating factors outweigh any mitigating factors or no mitigating factors present (one to two-day suspension without pay).
 - c. Second Group I violation and mitigating factors outweigh any aggravating factors or no aggravating factors present (two to three-day suspension without pay).
 - d. Second Group I violation and aggravating factors outweigh any mitigating factors or no mitigating factors present (three to five-day suspension without pay).
2. **Group II Violations.** Corrective action shall range from a six-day to a ten-day suspension without pay.
 - a. First Group II violation and mitigating factors outweigh any aggravating factors or no aggravating factors present (six to seven-day suspension without pay).
 - b. First Group II violation and aggravating factors outweigh any mitigating factors or no mitigating factors present (seven to eight-day suspension without pay).
 - c. Second Group II violation and mitigating factors outweigh any aggravating factors or no aggravating factors present (eight to nine-day suspension without pay).
 - d. Second Group II violation and aggravating factors outweigh any mitigating factors or no mitigating factors present (nine to ten-day suspension without pay).

3. **Group III Violations.** Corrective action shall range from a ten-day suspension to demotion or termination.
 - a. First Group III violation and mitigating factors outweigh any aggravating factors or no aggravating factors present (ten to 30-day suspension without pay).
 - b. First Group III violation and aggravating factors outweigh any mitigating factors or no mitigating factors present (13 to 30-day suspension without pay and/or demotion or termination).
 - c. First Group III violation, serious misdemeanor offenses, gross immorality violations, gross neglect of duty, mitigating factors outweigh any aggravating factors or no aggravating factors present (20 to 30-day suspension without pay and/or demotion or termination).
 - d. First Group III violation, serious misdemeanor offenses, gross immorality violations, gross neglect of duty, aggravating factors outweigh any mitigating factors or no mitigating factors present (25 to 30-day suspension without pay and/or demotion or termination).
 - e. First Group III violation, felony offenses (termination).
 - f. Second Group III violation and mitigating factors outweigh any aggravating factors or no aggravating factors present (15 to 30-day suspension without pay).
 - g. Second Group III violation and aggravating factors outweigh any mitigating factors or no mitigating factors present (18 to 30-day suspension without pay and/or demotion or termination).
 - h. Second Group III violation, serious misdemeanor offenses, gross immorality violations, gross neglect of duty (presumption of termination).
 - i. Any conviction resulting in a weapons disability (termination).
 - j. *False report, false statement, untruthfulness, or dishonesty (each of which creates a presumption of termination).*
- K. Divisional records will be maintained in compliance with Ohio Public Records laws.

II. Procedures

- A. After a misconduct investigation is completed by the assigned Unit/Bureau, the Internal Affairs Superintendent or designee will review the investigation and forward it to the Chief of Police to determine if corrective action is warranted. Where discipline is deemed warranted, a charging letter shall be prepared, summarizing the underlying facts and alleged policy violations. The Case Preparation Office will then schedule a pre-disciplinary hearing for the member.

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B. The Director of Public Safety, Chief of Police or designated representative will conduct the pre-disciplinary hearing for the charged member and allow the opportunity for the charged member and any pertinent witnesses to explain the circumstances of the incident.

1. The hearing officer will review the facts and evidence presented during the pre-disciplinary hearing and determine a finding of guilty or not guilty based on the preponderance of the evidence standard.

2. The Case Preparation Officer will assist the Hearing Officer to determine the discipline group category contained in the specification(s).

3. In cases where the Chief of Police or Director of Public Safety is not the hearing officer, then the hearing officer will make a recommendation to the Chief of Police or Director of Public Safety for a final determination and imposition of corrective action, if any, in accordance with this General Police Order. The Case Preparation Office will notify the member of the final disposition of the pre-disciplinary hearing.

C. The Division will not accept non-disciplinary corrective action as a substitute for discipline where the disciplinary matrix calls for the imposition of discipline. However, the Division will consider whether non-disciplinary corrective action (i.e., training, remedial training, classroom instruction or transfer) is appropriate in addition to discipline being imposed.

III. Documentation of Divisional Disciplinary Action

A. To document the Division's consistency in discipline and to demonstrate transparency in such matters, the Case Preparation Officer in the Chief's Office shall maintain files of all disciplinary actions imposed by the Division. Documentation shall consist of the following information:

1. Date of incident.
2. Date of discipline or non-disciplinary action.
3. Violations sustained.
4. Action taken.

B. The Case Preparation Officer shall cause a Divisional Notice to be issued on an as-needed basis listing disciplinary decisions imposed by the Division.

IV. Separation from Service with Pending Discipline

A. Cleveland Civil Service Rule 8.43 states, *"Wherever an employee or officer in the classified service has resigned while charges of misconduct were pending, such resignation may not be withdrawn."*

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THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.

Redaction Log

Total Number of Redactions in Document: 295

Redaction Reasons by Page

Page	Reason	Description	Occurrences
3	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	15
4	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	6
5	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	7
6	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	3
23	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	9
24	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	4
25	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	11
26	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	19
26	SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	3
27	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	16
28	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	14

Redaction Log

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29	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	10
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35	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	9
35	SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	6

Redaction Log

Page	Reason	Description	Occurrences
35	SAFETY PERSON INFO	Information regarding the person's residential address, participation in employee assistance program, social security number, residential telephone number, bank account, debit card, charge card or credit card number, emergency telephone number, any medical information, and/or charitable or employment benefit deductions has been redacted based upon O.R.C. 149.43(A)(7)(a) thru (e).	2
36	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	16
37	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	11
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Redaction Log

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46	SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	5
46	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	8
47	SAFETY PERSON INFO	Information regarding the person's residential address, participation in employee assistance program, social security number, residential telephone number, bank account, debit card, charge card or credit card number, emergency telephone number, any medical information, and/or charitable or employment benefit deductions has been redacted based upon O.R.C. 149.43(A)(7)(a) thru (e).	2
48	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	5
53	SAFETY PERSON INFO	Information regarding the person's residential address, participation in employee assistance program, social security number, residential telephone number, bank account, debit card, charge card or credit card number, emergency telephone number, any medical information, and/or charitable or employment benefit deductions has been redacted based upon O.R.C. 149.43(A)(7)(a) thru (e).	1
53	SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	2
54	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1
55	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	7

Redaction Log

Page	Reason	Description	Occurrences
56	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	3
57	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	4
59	SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	4
60	SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	1
60	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	4
61	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	3
62	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	2
62	SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	1
63	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1
65	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1
66	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1

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71	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	3
71	SAFETY PERSON INFO	Information regarding the person's residential address, participation in employee assistance program, social security number, residential telephone number, bank account, debit card, charge card or credit card number, emergency telephone number, any medical information, and/or charitable or employment benefit deductions has been redacted based upon O.R.C. 149.43(A)(7)(a) thru (e).	1
73	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	2
77	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	5
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79	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	2
80	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	2
81	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1
82	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1
83	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	3

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85	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	2

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
SAFETY FAMILY INFO	Information regarding the person's name, residential address, name and address of employer, social security number, residential telephone number, bank account, debit card, charge card or credit card number, or emergency telephone number has been redacted based upon O.R.C. 149.43(A)(7) and (A)(8)(f).	26(3) 28(2) 34(1) 35(6) 45(5) 46(5) 53(2) 59(4) 60(1) 62(1)
SAFETY PERSON INFO	Information regarding the person's residential address, participation in employee assistance program, social security number, residential telephone number, bank account, debit card, charge card or credit card number, emergency telephone number, any medical information, and/or charitable or employment benefit deductions has been redacted based upon O.R.C. 149.43(A)(7)(a) thru (e).	35(2) 45(2) 47(2) 53(1) 71(1) 77(2)

Redaction Log

Reason	Description	Pages (Count)
VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	3(15) 4(6) 5(7) 6(3) 23(9) 24(4) 25(11) 26(19) 27(16) 28(14) 29(10) 31(4) 32(7) 33(3) 34(6) 35(9) 36(16) 37(11) 38(13) 39(7) 40(1) 45(3) 46(8) 48(5) 54(1) 55(7) 56(3) 57(4) 60(4) 61(3) 62(2) 63(1) 65(1) 66(1) 71(3) 73(2) 77(5) 79(2) 80(2) 81(1) 82(1) 83(3) 85(2)

Redaction Log

Total Number of Redactions in Document: 3

Redaction Reasons by Page

Page	Reason	Description	Occurrences
6	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1
35	VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	1
72	SAFETY PERSON INFO	Information regarding the person's residential address, participation in employee assistance program, social security number, residential telephone number, bank account, debit card, charge card or credit card number, emergency telephone number, any medical information, and/or charitable or employment benefit deductions has been redacted based upon O.R.C. 149.43(A)(7)(a) thru (e).	1

Redaction Log

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Reason	Description	Pages (Count)
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VICTIM RIGHTS	R.C.149.43(A)(1)(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.	6(1) 35(1)