

FRANKLIN COUNTY
COMMON PLEAS COURT
FILED

Grand Jury Jail Report in regards to the Death of Craig Burdine:

2011 JUL 13 11 47 AM

TRACY M. OVERMYER
CLERK

We, the members of the grand jury, express our sympathy to the Burdine family.

We have met in regard to this matter for 13 days. We have taken testimony from 51 witnesses in person and by electronic means. And, we have reviewed 209 marked exhibits, many of which are either multiple pages or digital CDs which hold multiple pages and documents. At the outset, we note that we have had access to the State of Ohio's whole and complete file. The grand jury did an extensive in-person view of the county jail. We had ample time to review the matter. And, we had the independent ability to call witness and inquire into the matter. We have worked diligently and thoroughly. We feel that we have taken testimony from every relevant witness that we could legally compel to testify. We also have reviewed the depositions and statements of persons who did not testify before our grand jury.

We submit this grand jury report under our authority to inquire into the county jail.

Criminal Indictments

The grand jury considered criminal charges and was unable to find probable cause to indict any person or entity:

Assertions as to What Occurred

In addition to the above finding in regard to criminal conduct, a number of assertions have been made, and we feel it appropriate to address the following allegations since they deal directly with the overall public integrity of the jail.

- 1) The assertion has been made that Craig Burdine died from manual strangulation by law enforcement officers. We have reviewed opinions from three separate forensic pathologists who theorize three causes of death. Dr. Beisser believes Craig Burdine died from acute intoxication of alcohol and methamphetamines. And in noting, how the injury occurred, Dr. Beisser wrote, “died during drug-induced excited delirium”. Dr. Baden believes Craig Burdine died from manual strangulation likely combined with pressure to the back. Dr. Harshbarger believes Craig Burdine died from an abnormal heartbeat due to an enlarged heart and drug use, coupled with extreme exertion. We cannot find any probable cause that Craig Burdine died as a result of criminal homicide. The members of the Grand Jury believe that Dr. Harshbarger’s theory is the most likely.

- 2) Assertions have been made that Craig Burdine’s death was caused by the use of the TASER device on him at the County Jail. We do not find this to be the case. We find no evidence that makes us believe this assertion is true. None of the three forensic pathologists found this assertion to be true, nor did any of them assign this as a cause of Craig Burdine’s death.

- 3) The assertion has been made that Craig Burdine was attacked at 1229 Sycamore Street, Fremont, Ohio. We do not find this to be true. We feel it proper to address this since it directly ties to the incident at the jail. It is clear that Burdine appeared at the Sycamore Street address under the influence of alcohol and drugs.

Unprovoked, Burdine started an attack that led to him tackling Craig Heisser into an active fire. Craig Burdine then continued to act in a way that can only be described as out-of-control, including running headfirst into a wall, attacking others, breaking through an outer door, and fighting with officers.

- 4) The assertion has been made that a cover up has taken place in an effort to obscure pertinent facts involving the death of Craig Burdine. We do not find this to be the case. There is no evidence to support this allegation. Not one credible piece of evidence or testimony was presented to make us believe that any such event ever happened.

- 5) The assertion has been made that the jail surveillance video was altered in some manner to obscure what happened. A) Specifically, assertions have been made that the jail surveillance video had a portion deleted. We do not find this to be the case. We find that the videos, themselves, combined with the expert testimony and evidence we have received, show that no “missing time” exists. We also find that time stamp discrepancies existed due to the time stamps not being directly synched from camera to camera, which has been verified as something that was known to occur with these particular cameras. We find that the audio from the law enforcement officer’s body microphone was not altered. Both the physical layout of the jail, as well as the concrete and reinforced steel construction of the jail, prevented the transmission signal from the body microphone to reach the police cruiser in the sally port. We find the lack of static in the audio recordings to be normal due to jail

layout and construction, as well as the audio recording systems being designed to not record static. We find that it defies common sense that the audio was selectively edited, removed, or deleted. We also find that the audio ceasing shortly before EMS arriving is due to the physical VHS tape, which was recording the audio and which was located in the police cruiser in the garage of the jail, running out of tape and thus no longer recording. B) Assertions have been made that the jail surveillance video was staged after the fact, either via computer generated special effects or officials staging the events with live people. We do not find this to be the case. We find no evidence that either of these scenarios occurred. We have taken evidence that the jail surveillance video accurately depicts what happened, recorded events in real time, and was not tampered with.

6) The assertion has been made that Craig Burdine was photographed after his death by law enforcement, who allegedly wiped his face of blood that was visible in other acknowledged post-death photos, placed a tee shirt on him, distributed that photograph to the media, and then took the tee shirt off of him prior to other acknowledged post death photos being taken. We do not find this to be the case. We find that the photograph distributed to media after Craig Burdine's death was a 2006 booking photograph of Craig Burdine, which was used by the Sheriff's office in its press releases.

7) Assertions have been made that an EKG strip of Craig Burdine taken at the jail by EMS was transmitted to the hospital via wireless means or download by the hospital

and shows Craig Burdine was dead at the jail at 3:35 am. We do not find this to be the case. We find that the EKG strip was from the hospital EKG machine, not from the EMS EKG machine. We find that no transmission was sent to the hospital via wireless or physical download. We find that in August 2007, Sandusky County EMS did not have the technological capabilities to transmit EKG readings from EMS EKG machines to any hospital. We find that the EKG machine used in this case by EMS has a vastly different paper printout width than the hospital EKG machine. The EKG strip in question clearly states that it came from Fremont Memorial Hospital. It was compared to other known EKG strips generated by Sandusky County EMS, and, as noted above, there is a clear visual difference between strips from the respective machines. We find that the hospital's EKG machine was not calibrated to the correct time. We find, based upon multiple other pieces of evidence, such as EMS run reports, video recordings, and jail video, that EMS was nowhere near Craig Burdine at 3:35 am, could not have taken the EKG reading, and would not arrive at the jail for nearly 20 minutes.

- 8) Assertions have been made that Craig Buridne was targeted by law enforcement, who wanted to exact some type of revenge. This allegedly was due to a civil judgment that he had been awarded against the Ottawa County law enforcement for an incident that occurred in 1996. We do not find this to be the case. There is no evidence to support this allegation.

- 9) An assertion has been made that many statements made under oath in the Burdine family's civil lawsuit were perjury. We do not find this to be the case. We find no probable cause that any witnesses in the civil litigation made perjurous statements.
- 10) An assertion has been made that law enforcement officers were derelict in their duties by taking Craig Burdine to the jail in spite of his injuries. We do not find this to be the case. We find that the law enforcement officers believed that taking Craig Burdine to a hospital would endanger persons present in that hospital's emergency department. While this decision can be debated in hindsight, we find that given the limited choices available to law enforcement that evening, the decision to take Craig Burdine to the jail was a reasonable decision, not a reckless decision, and, therefore, not a dereliction of duty.
- 11) Assertions have been made that we, the grand jury, have not been presented the full evidence of this case, and that relevant witnesses were not presented to us, all in an effort to "whitewash" this case. We do not find this to be the case. There is no evidence to support this allegation. We find that no witnesses or evidence have been withheld from us, and statements to the contrary are false. We are confident that we have been presented all relevant evidence and testimony that was available to the prosecutor. We have been presented evidence submitted by Craig Burdine's family, including evidence the Burdine family has stated proves murder and a cover-up. We have had the ability to subpoena any witnesses we desire and interview those witnesses.

Suggestions for Future Improvement of Jail Operations and Intake

We, the members of the grand jury, offer the following suggestions, and we acknowledge that neither the current Police Chief of Fremont nor the current Sheriff of Sandusky County held those offices when this incident happened.

- 1) In the event of deaths occurring either in law enforcement custody or concurrent with law enforcement interaction, we strongly suggest that an outside investigatory agency be immediately involved. We feel that had an outside agency immediately been brought in to conduct an investigation in the Burdine case, that perhaps some of the mistrust and suspicion might have been avoided.
- 2) We would encourage that when outside investigations are conducted regarding jail deaths, the investigations be turned over to a prosecutor and that the investigations be presented to a grand jury as soon as practical. We believe that it is beneficial that Sandusky County jail deaths be presented to a grand jury of citizens from Sandusky County and that the grand jury make decisions as to whether or not to bring charges in such cases.
- 3) Craig Burdine's death occurred seven years ago, at a time when understanding of mental health issues by law enforcement was not as comprehensive as it is today. We would encourage law enforcement officers to be better trained in identifying mental health situations, such as by taking Crisis Intervention

Training (CIT). We wish to see as many law enforcement officials as possible have the full CIT certification.

- 4) We would encourage an agreement be reached between the City of Fremont/Sandusky County law enforcement and local hospitals, where suspects who are unruly, but may need medical attention, are able to be taken directly to the hospital in a secured setting. In the Burdine case, officers had to face a choice of 1) taking the subject to a hospital and, in the officers' opinion, endanger the persons present in the emergency department that evening, or 2) take the subject to jail, where he did not have the benefit of being in a full-scale hospital. By adopting such an agreement, law enforcement officers would no longer have to decide between two difficult choices.

Respectfully Submitted,


Grand Jury Foreperson