

ON THE JOB

CRIMINAL JUSTICE UPDATE

COVER STORY

THE TIME TO BUILD, NOT TEAR DOWN

Summer turmoil opens doors for boosting trust, proving value of police

When a cop puts on the badge, it is an act of courage – an act that accepts the risks of the job, that promises to place the good of the community above his or her own welfare.

To support the defunding of local law enforcement, people must choose to ignore that basic fact and believe several things that are simply not true: that officers regularly shoot unarmed people, wantonly discriminate and gas protesters — and that they delight in doing so.

“I’ve known many more officers and deputies who have arrested child abusers, murderers and traffickers than cops who have ever had to fire their weapon in the line of duty,” said Attorney General Dave Yost, who readily acknowledges that “defund” campaigns tick him off.

Continued on Page 2

INSIDE » Former officers share why they jumped into politics » Case of missing teen complicated from start to finish

“As we talk about police reforms, it’s important to recognize that we don’t have a police problem; we have a societal problem with a law enforcement component.”

— Attorney General Dave Yost

Continued from Page 1

“I’ve known more officers and deputies who have run into burning buildings to save perfect strangers or who have bought groceries for single moms with hungry kids.

“The vast majority of law enforcement officers are goodhearted, disciplined professionals who took a dangerous job because they want to make their communities safe, not because they want to crack down on innocents and go to war in their own towns,” Yost said.

To be sure, there is a disparity in the way people see law enforcement. Only 15% supported the Minneapolis plan to disband its police department in a Gallup poll this summer, and an ABC News/Ipsos poll found that Americans oppose the “defund” movement by a 2-1 ratio (64%-34%). On the other hand, a Quinnipiac poll conducted during the summer showed that 60% of black Ohioans fear becoming a victim of police violence, compared with 9% of whites.

These findings help explain why many minority children are taught growing up to always get a receipt or a bag with their purchases at a store, to avoid wearing a hoodie or to ask permission to reach for their driver’s license during a traffic stop.

Most white kids don’t grow up with such warnings.

“Intended or not, racism exists,” Yost said. “But it’s important to recognize that we don’t have a police problem; we have a societal problem that has a law enforcement component.”

Accountability

This summer, Attorney General Yost teamed with Gov. Mike DeWine to develop proposals intended to build public trust in law enforcement, including asking the Ohio General Assembly to identify permanent funding for advanced training of law enforcement officers.

For training & accountability

These plans were pitched by Attorney General Dave Yost and Gov. Mike DeWine in June. Most would need to be passed by the General Assembly.

Oversight board

Purpose: To build accountability and prevent bad cops from simply moving to another agency

- » Would establish professional standards and a code of conduct for law enforcement
- » Would ensure that law enforcement officers adhere to code or risk license

Independent use-of-force investigations

Purpose: To build public trust in the results of investigations of officers

- » Would require that a neutral third party, such as the Ohio Bureau of Criminal Investigation (BCI), investigate officer-involved critical incidents
- » Would mandate that outside prosecutors also be assigned to shootings and in-custody deaths

BCI officer-involved shooting investigative unit

Purpose: To aid in independent investigations of officer-involved critical incidents

- » Specialized response team at BCI established by the AG
- » Would investigate as requested
- » Has agreed to take on all critical incidents by State Highway Patrol and Columbus PD

Chokehold ban

Purpose: To allow use of potentially dangerous tactic only when an officer’s life is in danger

Advanced training

Purpose: To create a regular funding stream to pay for advanced training for LEOs

Basic-training psychological checks

Purpose: To help ensure that only those with appropriate temperament become officers

- » Would require basic training applicants to pass a psychological exam
- » Would require the Ohio Police Officer Training Commission, after a cadet graduates, to check references, etc. to ensure candidate possesses appropriate character before issuing a certification

Body cameras

Purpose: To make police body cameras more widespread

- » Would provide funding for equipment and video storage
- » By governor’s order, OSHP troopers will be outfitted with the cameras.

Ohio hasn’t allocated money for police training since 2017, so the decision on whether officers get training depends on local budgets, which often are tight. Calls for de-escalation training and the like ring hollow when there is no money to pay for it.

Yost sees this reality as unfair. He believes that officers putting their lives on the line to keep communities safe deserve regular training on best practices, regardless of the Ohio

community they serve.

Still, he said, an even more essential step should be taken to strengthen the law enforcement ranks.

“At the end of the day, what we really need to do is get rid of the few bad cops who are acting out and giving law enforcement a bad name.”

To do so, Yost and DeWine propose creating a state licensing board, similar to those Ohio has

for barbers, construction-industry contractors, lawyers, medical workers of all kinds, social workers and teachers.

The plan would essentially add an oversight and accountability board to the Ohio Peace Officer Training Commission and Academy. The board, which would include active law enforcement officers, would work with law enforcement veterans and experts to set professional standards and a code of ethics.

Priorities would be fairness, due-process safeguards and transparency — not penalizing officers for having imperfect knowledge at the time of an incident. Violations could result in a license being suspended or revoked, which would disqualify those unfit for the job from policing in Ohio, instead of allowing them to move to another unsuspecting department when they run into trouble.

Yost wants officers and deputies to know: “Bad cops are making your job and your mission harder. Those few bad cops are making you less safe on the street. They’re why you’re being painted with the same broad brush.”

In fact, protests this summer came at a time when police agencies are the most professional in history. More training than ever is required to become a certified officer, including more than 100 hours that deal with different types of de-escalation. Also, many law enforcement agencies in the state have been working hard to improve community policing — in some areas, after officer-involved shootings and/or U.S. Justice Department involvement in the past decade or so.

“We know we can do better because we already are doing better,” Yost said. “And there’s no limit to how good we can become.”

Training

Three days before George Floyd died in Minneapolis, the attorney general moved to enact major reforms at OPOTA.

The COVID-19 pandemic had accelerated the timing: The training facility had come to rely

on casino proceeds, and empty casinos meant a payment 13 times smaller than usual.

But Yost had started looking at OPOTA’s costs and benefits even before the pandemic.

“When I was running for office, one of the things I heard was, ‘Hey, we legalized casinos, and we were supposed to get 2% of the money for training and where is it? Because we’re not seeing it,’” he said. “Well, we found out that money was going to fund state institutions.”

Yost also learned that many police agencies preferred training offered closer to home by private companies, community colleges or larger police departments. Such classes meant an officer didn’t have to travel all the way to London, Ohio, and the department didn’t have to cover as many shifts.

In fact, attendance in some OPOTA classes had fallen to five people.



While summer protests against police brutality made headlines, a Quinnipiac University survey found that 82% of Ohioans approve of local police. Broken down by race, 77% of white voters said so and 46% of black voters did.

Large-scale changes made sense.

“What some people think is that when all of the changes happened, OPOTA permanently closed,” said Dwight Holcomb, OPOTA’s executive director. “That’s not the case at all.”

As physical classes reopen (after the break forced by COVID-19), Holcomb said, OPOTA will initially focus on a handful of areas:

- **Classes for teachers:** Instructor-level courses will certify people, such as police departments’ training officers, to teach advanced training classes or at basic academies (which haven’t been directly taught by OPOTA for years).
- **Anything required by Ohio law:** Such as the 40-hour course for new police chiefs.

- **Driving, traffic stops and related courses:** OPOTA has the state’s only large-scale driving track for law enforcement, and the popular courses draw officers from across the state and nation.

- **Firearms:** Two full-time instructors remain on staff and will teach such classes in London, but OPOTA also will partner with regional ranges and experts to spread classes throughout the state.

OPOTA next will determine which advanced training classes to provide. To help, the attorney general reached out to sheriffs and police chiefs, and the academy emailed more than 30,000 officers in July to ask for opinions. Leaders will tap policing data to see where training can benefit officers. They expect scenario-based training to factor into all of the answers, as such methods effectively help break down biases and build decision-making skills on use of force and de-escalation.

“Basically, we are identifying the classes that will be most valuable to front-line officers, and then we’ll go out and find the best people to teach them,” Yost said.

OPOTA’s two training coordinators are tasked with finding those high-quality partners, a priority both to make the training cost effective and so that experts in their fields can share the newest methodologies and most up-to-date real-world experience. For example, for the new

police chiefs course, OPOTA is working with the Ohio Association of Chiefs of Police to bring in talented current chiefs to lead the classes.

Making courses and testing more convenient and accessible is another of OPOTA’s main priorities moving forward. That entails both developing classes physically closer to law enforcement agencies and revamping eOPOTA so that subjects that can be taught online are well-presented. OPOTA plans to have new coursework available by the end of the year.

“As always, our goal is to do a better job,” Yost said. “What we’re doing is making OPOTA more responsive, more local and more efficient, and that will help officers better serve their communities.”



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www.OhioAttorneyGeneral.gov/OnTheJob

From cop to politician

On the Job recently caught up with three state legislators who used to be law enforcement officers to find out why they decided to make the jump and why their experience is valuable at the Statehouse.

To read more of what the legislators had to say, visit www.OhioAttorneyGeneral.gov/OntheJob.

REP. CINDY ABRAMS

R, HARRISON



Law enforcement experience: 7 years with the Cincinnati Police Department

Political experience: Ohio House of Representatives, Harrison City Council

Question: With your experience in law enforcement, what drew you to politics?

Answer: Being a police officer allowed me to become involved locally and learn what was important to my community. I had the “boots on the ground” perspective of how governmental policy affected people’s lives. That experience encouraged me to become involved in government, first on City Council and now at the Statehouse; to be part of the decision-making process; and to ensure they have a positive effect.

Q: How does being a legislator compare to being a police officer?

A: The two are more similar than one would expect.

Being a police officer taught me many skills that I still utilize today. In both roles, the days are busy so you must stay organized and take one thing at a time, whether that is a meeting on legislation or a radio run. Each day is different. But as a legislator, there is a larger scale, as we hear testimony on a wide variety of topics and make decisions that will affect 11 million people.

Q: How does your law enforcement experience affect how you legislate?

A: Communication is the key to both professions. I will always hear both sides of an issue and learn as much as I can before making a final decision. Even if I have a pre-existing opinion or stance, I firmly believe it is

REP. PHIL PLUMMER

R, DAYTON



Law enforcement experience: 30 years with the Montgomery County Sheriff’s Office, including 11 years as sheriff

Political experience: Ohio House of Representatives

Question: With your experience in law enforcement, why did you decide to run for state government?

Answer: I was the sheriff for three terms, so politics is my background. What drew me to the state legislature was the chance to address the failures in the criminal justice system, such as the opioid epidemic and proper mental-health treatment. I mean, the entire criminal justice system is costly; it’s not working. I was in law enforcement for 30 years — worked every day as hard as I could — and things seemed to get worse. So that tells me there’s a failure in the system.

Q: How does being a legislator compare to being a

deputy or sheriff?

A: Well, being the sheriff, I was the executive branch, so I was able to call my own shots. I’d identify problems, come up with the solution to problems, get right on it. We really cut the opioid epidemic deaths in half. We did a great job with that. On the legislative side now, of course we get to change the laws and address what needs to be fixed more globally.

But the biggest difference is as sheriff, I could execute immediately. As a legislator, it’s a long, slow process. It’s frustrating; I don’t think I’ll ever get used to it. We have great bills pending that will help quality of life

SEN. CECIL THOMAS

D, NORTH AVONDALE



Law enforcement experience: 27 years with the Cincinnati Police Department

Political experience: Ohio Senate, Cincinnati City Council

Question: What drew you to politics?

Answer: Politics found me. As I was retiring from the police department, I was recruited to become the executive director of the Cincinnati Human Relations Commission. Shortly thereafter, in 2001, we had civil unrest in Cincinnati, after a young man named Timothy Thomas was shot and killed by officers when he was unarmed. It was total chaos, not like what’s going on today. [He spoke in early August.] I was looking at the mayor, saying, “I tried to tell you!” because I had been warning anyone I could think of that the relationship between police and the African American community had been deteriorating.

Once everything somewhat stabilized, the mayor charged me with figuring out, what were we doing wrong that would allow us to have civil unrest in the 21st century? We convened commissions and found five factors: poor community-police relations; lack of health care and safe housing; and, especially for African-American males ages 14 to 25, lack of education and jobs. And we knew we needed to deal with that because those were the ones out there setting fires and throwing bricks.

So I found a program developed in Boston that involved putting mentors on street corners to engage with these young men and assist them in getting their lives back on

ABRAMS, CONTINUED

important to have all of the facts. Politics is a relationship business.

Q: Is there anything you wish more legislators knew about law enforcement officers?

A: Both professions have the same goal: to serve the people in order to protect them and give them a high quality of life. We can achieve that goal by working together, and I think many law enforcement officers would agree and be happy to collaborate in working toward that goal.

Q: Is there anything you wish more law enforcement officers knew about legislators?

A: We are communicators, we are here to

serve you, and we want to hear your opinion on issues, especially those that directly impact you and your profession. I highly value the boots-on-the-ground perspective and will always appreciate your open and honest feedback.

Q: What would you tell a law enforcement officer considering whether to run for office?

A: Do it, and go all in. In the process, do not stray from your moral compass. In life and especially in politics, it is impossible to make everyone happy, even though you will feel pressure to do so. What makes a strong leader is someone who can stand firm in their values and beliefs. If you consistently do what you truly believe is best for the people you serve, people will see that and respect you for it.

PLUMMER, CONTINUED

issues, but they haven’t moved due to various reasons. I don’t deal with that very well. I’m trying to slow down my expectations, but it’s just not in my DNA.

Q: Could you give an example of a bill that is stuck?

A: House Bill 1, which deals with getting people’s records expunged or sealed. Drug addicts, when they get into treatment and they do what they’re supposed to do, then let’s clean their records up and get them back in the workforce to be productive citizens. Because if you don’t, they’re going to go back to using and the street life that they know. That’s a very important bill.

Q: Is there anything you wish more legislators knew about law enforcement officers?

A: I wish they knew more about the criminal justice system as a whole. It’s too convoluted. It needs to be revised. Let’s revamp. We’ve

got to hold people accountable and then rehabilitate them. Our prisons used to be very good at rehabilitation, but they’re not that strong anymore. We’ve got to get back to that.

Q: Is there anything you wish more law enforcement officers knew about legislators?

A: Law enforcement officers are good grassroots people and they know the holes in the system. I wish they’d reach out to legislators and make suggestions on what needs changed. They do occasionally, like increasing drug penalties and stuff like that, but they’re grassroots people. They live it every day and they could probably have some good solutions for us as well.

Q: What would you tell a law enforcement officer considering whether to run for office?

A: I would tell them that it’s a calling. It’s a challenge. Once you get into the seat, everybody’s going to tell you what you’re doing wrong, what you’re doing right — how everybody else could do it better. You’ve got to be a strong person and you’ve got to stand for your values.

THOMAS, CONTINUED

track. The Greater Cincinnati Foundation gave me two years of seed money, and when that ran out, I went to the Cincinnati City Council. Well, they said, “The city’s back to normal now. We’re not going to fund your program.” I was so upset that I decided I would run for City Council. And I won a seat. The Cincinnati Initiative to Reduce Violence has been funded to this day, and the state liked the program so much, it’s been retrofitted to other Ohio cities, too.

Q: How does your law enforcement experience affect how you legislate?

A: I bring a unique perspective for the other senators to hear. I’ll use the example, we always want to pass laws that say if a person does this, then we’re going to increase the penalty and you’ll get more time in jail. Having seen what impacts people’s quality of life, I can say to a senator, “Well, maybe you need to rethink this particular bill because you cannot lock your way out of this problem.”

See, as a police officer, I worked undercover narcotics for a long time, and I would lock folks up. But then, five or 10 years later, I’d see their same name again and think, “Wow, did he get out of jail?” Well, what I’d find was that the individual I locked up, this was his son, and he grew up in the exact same environment. That cycle was never broken because we continue to do the same thing over and over.

Q: What would you tell a law enforcement officer considering whether to run for office?

A: Bring your life experiences and also don’t be pro-police in a vacuum. I would say to the officer, nothing is perfect, but our role helps our communities the most when we try to be peace officers, rather than law enforcement. By law enforcer I mean, “The law is the law, I’m sorry. Lock you up, throw away the key, goodbye.” A peace officer comes in and says, “What can I do for this family to try to help maintain peace?” If you want to be a person who’s going to thrive in politics, use that type of methodology when you’re talking to those who you want to vote for you.

School grants now available

For law enforcement officers who completed the Ohio School Threat Assessment Training program, the next step — and the opportunity to earn more money — has opened.

The window for completing vulnerability assessments at K-12 school buildings, and getting paid \$300 for it, runs through the end of 2020.

Police officers or deputy sheriffs who have received a certificate for taking the threat assessment training are eligible to conduct the vulnerability assessments, the forms for which can be found on the Ohio Law Enforcement Gateway (OHLEG).

The assessments must be completed in coordination with the schools, and law enforcement agencies should submit grant requests for all school vulnerability assessments completed within their jurisdiction in a single batch. (Keep copies of each assessment.)

For more details, contact Mark Porter, the attorney general’s school safety coordinator, at mark.porter@ohioattorneygeneral.gov, 614-728-1173 (work phone) or 614-955-8847 (cellphone).

Body armor grants expanded

The Ohio Law Enforcement Body Armor Program has been granted \$3.5 million to help local law enforcement agencies buy vests for their officers this fiscal year, which runs through June 30, 2021.

Since July 1, 2018, the Attorney General’s Office, which administers the program, has awarded \$5.4 million to 525 local law enforcement agencies in all 88 Ohio counties.

Agencies that have not yet received \$40,000 may apply for funding using applications available on the Ohio Law Enforcement Gateway (OHLEG).

Through the program, law enforcement agencies apply for bulletproof vests with a local match of 25% of the cost. The Bureau of Workers’ Compensation pays the remaining 75%, up to \$40,000.

To see where the funding has gone so far, visit www.OhioAttorneyGeneral.gov/bodyarmorgrants.

The Harley Dilly search: the good, bad, ugly

Before COVID-19 and summer protests, **Port Clinton** feels heat of second-guessing when social media, backseat Sherlocks and holiday schedules complicate hunt for teen

Port Clinton Police Chief Robert Hickman grew up two blocks from the home of Harley Dilly, the 14-year-old who went missing just before Christmas last year.

Young Robert attended church next door to where Harley would live with his family, across the street from the empty summer residence where the teenager would be found dead on Jan. 13, the result of trying to slide down the chimney to get inside.

In the 23 days preceding that grim discovery, Chief Hickman and his department faced social media-fueled protests and baseless accusations of ineptness, corruption and even complicity in Harley's supposed murder.

The angry speculation came as the officers worked night and day, Christmas included; canceled holiday vacations; and along with the Attorney General's Bureau of Criminal Investigation and partners from a dozen agencies:

- Searched more than 150 acres of land and water, both on foot and with the aid of drones and helicopters, dive teams and specially trained canines.
- Pored over weeks' worth of surveillance video, futilely seeking a hint of Harley's fate.
- Interviewed classmates and family members of Harley's in Port Clinton as well as people from Washington state to Florida, a product of the teen's active presence on social media.

None of those efforts turned up leads pointing to where Harley was — only where he was not.

Worse, all the law enforcement expertise Chief Hickman could muster wouldn't be enough to save the boy's life.

"That's where I'm beating myself up, because

we brought in other agencies that deal with this on a daily basis and they were just as stumped," the chief said in a recent interview. "We had over 500 years of experience here every day, and we were all looking at each other saying, 'What did we miss?'"

Seven months after the Harley Dilly case was closed, the chief still struggles with the outcome.

"Did we mess up, or did we not? I don't know. I can't give you that answer," he said. "But my biggest recommendation for any department that experiences a case like this — don't be afraid to ask for help."

The truth, according to the autopsy, is that Harley had suffocated inside that narrow chimney before his parents even realized he was missing. There's nothing the Port Clinton Police Department, or any other law enforcement agency, could have done to save him.

Yet that fact doesn't bring peace to Chief Hickman, for whom the case was personal from the start. Hickman's wife, Roseann, lost a child in a fire in 1988, and a decade later, the chief lost his only biological child in a stillbirth.

"I'd like to say it gets easier. It doesn't," he said. "But at least the family has closure, and that means more to me than anything. We don't have that unanswered question, 'Where's my child?'"

Immediate complications

By the time Marcus Dilly reported his son missing at 11:50 p.m. on Dec. 21, the teen hadn't been heard from in 40 hours.

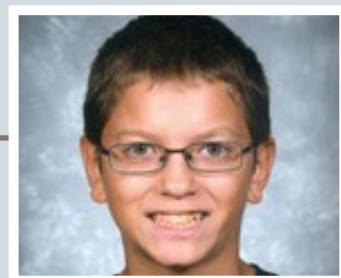
"We're always working at a disadvantage in cases of missing children," said a BCI agent who requested anonymity because she also works undercover. "The clock starts ticking before that Missing Child Alert or Amber Alert ever goes out, even when it's immediate."

Given Harley's history of anger issues and problems at home, officers suspected that he had run away.

"Harley had stayed away before, spending the

Case highlights

Here are some notable events from the investigation into the disappearance of Harley Dilly:



FRIDAY, DEC. 20, 2019

Harley Dilly is last seen: A surveillance camera catches him heading south, on his usual route to school, at 6:08 a.m.

SATURDAY, DEC. 21

Marcus Dilly reports his son missing at 11:50 p.m.

SUNDAY, DEC. 22

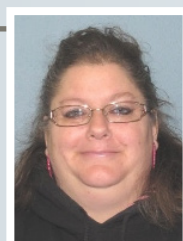
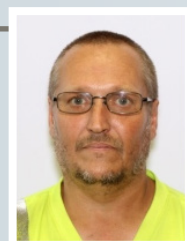
At 2:30 a.m., police issue a "Be on the Lookout" alert. They interview Harley's friends and seek surveillance camera footage. Police and firefighters search the neighborhood, including Harley's high school.

MONDAY, DEC. 23

The first public search takes place.

CHRISTMAS EVE

Police upgrade the public alert to an "Endangered Missing Child Advisory." (Harley's case didn't meet the requirements for an Amber Alert.)



THURSDAY, DEC. 26

A massive search of 150 acres of land and water encompasses 75 people from a dozen local, state and federal law enforcement and first-responder agencies; the public; trained dogs; a dive team; as well as an aerial presence and sonar.

Authorities search Harley's home. BCI interviews Harley's parents, Marcus and Heather Dilly, shown at left.

FRIDAY, DEC. 27

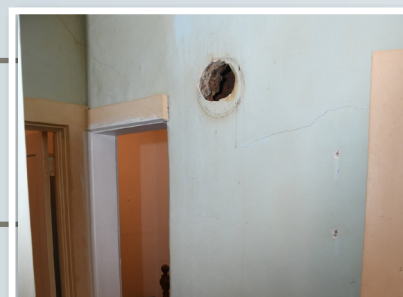
The National Center for Missing & Exploited Children and the FBI join investigation.

SUNDAY, DEC. 29, 2019

Port Clinton holds a candlelight vigil for Harley.

NEW YEAR'S EVE

Police Chief Robert Hickman adds to his daily updates that the Dillys have "fully cooperated" and that no evidence points to their involvement.



MONDAY, JAN. 13, 2020

Port Clinton police access the home at 507 E. Fulton for the first time. After reaching into a chimney vent hole (left), BCI investigators find Harley's body.

TUESDAY, JAN. 14

An autopsy concludes that Harley died of compressive asphyxia shortly after entering the chimney — the day he disappeared.



BCI agents carefully removed a plaster wall and chimney bricks to recover Harley, concluding the complex case.



night with friends when he got upset. He'd come home when he calmed down," Chief Hickman said about the teen, who had Asperger's syndrome, attention deficit hyperactivity disorder and oppositional defiant disorder. "Most of our missing cases in Port Clinton, usually the kid's gone for a night or a weekend because he's mad at Mom and Dad."

That's more true than not statewide. In 2019 in Ohio, of the 24,292 people reported to the Missing Children Clearinghouse, less than a third of 1% had been abducted or kidnapped.

So Chief Hickman and Port Clinton officers began their investigation by interviewing Harley's parents as well as friends he had stayed with previously. They gathered surveillance tape from a recovery home next to Harley's house (the former church the chief attended) and nearby Magruder Hospital.

"We had to watch almost a week's worth of video in real time," the chief said. "I spent Christmas Eve and Christmas Day at Light House Sober Living, right next to the Dillys' house, watching video. So did some of our officers, some of the drug task force. Everybody jumped in."

But with the video providing no answers and Harley still missing on the holiday, Chief Hickman and his department turned to organizing a massive search, seeking community help, drones with infrared capabilities and specially trained dogs. The chief called in, among other agencies, BCI and the U.S. Marshals Service, State Highway Patrol, FBI, Ohio Department of Natural Resources and U.S. Customs and Border Protection.

Could Port Clinton have sought help sooner? Yes. It's impossible to ask for help too soon in such cases.

But BCI Special Agent-in-Charge Jimmy Ciotti, who helped work Harley's case, doesn't fault the chief for making time for those initial steps. Ciotti cited parsimony, the practice of starting an investigation by focusing on the most obvious angles.

"Hickman did a remarkable job from the start," said Ciotti, who has worked in law enforcement for more than 30 years. "It's just an unfortunate thing that the surveillance video didn't reveal anything. Harley's case was the aberration of my career."

And the case was greatly complicated by the teen's heavy use of Instagram, Facebook, YouTube and Reddit — like many other kids, Harley wanted to be famous. His online postings included videos in which he complained about his parents and others recorded while he was in the bathtub.

"He's sitting there with no shirt on, just talking



"It's unbelievable. I never really looked at it that way until I started following other cases of people who went missing. Some of the same people commenting on Harley were on those pages."

— Port Clinton Police Chief Robert Hickman, on the bizarre following of the case on social media

away in the bathtub," Ciotti said. "He gave out his phone number and his address, and, basically, he did everything safety experts tell kids not to do."

Many of the people Harley interacted with online, or who followed him or "liked" his posts, lived far from Port Clinton. And some, who had problematic histories, were people the teen would have refused to talk to in person.

The social media platforms were slow to respond to subpoenas, in part because of the holidays, which hindered the investigation.

In fact, because of vacations, some of the law enforcement agencies that partnered with Port Clinton initially sent teams with qualified investigators but not necessarily in the roles they were used to playing, Ciotti and others said.

Chief Hickman, whose department has 17 sworn officers, called those who hadn't left the state back from holiday vacations. Port Clinton's senior detective was in Florida with the city's Boy Scouts troop, so Detective Ron Timmons, a Marine veteran who has been with the department since 2012, was assigned the case.

"Ron did phenomenal," Chief Hickman said. "He's a young detective, and I hope I'm alive to see him in my position someday."

The wild world of social media

A YouTube search for "Harley Dilly" turns up dozens of videos in which people accuse his parents, Heather and Marcus Dilly, of killing their son.

BCI's entire interview with Heather Dilly, obtained by a Toledo TV station via a public records request, was posted to YouTube, where dozens of people ripped into her in the comments section, accusing her of lying because she doesn't say what they think she should say. Similarly vicious were the responses to the one interview she gave to a TV reporter.

Never mind that the investigation had included a thorough look at Heather and Marcus Dilly, their actions before and after Harley went missing, their home and the garbage truck that the father had driven on Dec. 20. The facts of the case eliminated both parents as suspects.

"I'm not going to judge the parents because I didn't raise Harley," Chief Hickman said. "They cooperated fully from Day One. Once we started talking to them, I was at their home every day. And if I'd asked, 'Could I remove Harley's bedroom wall?' They would have said, 'Yes, by all means.'"

But there's an ardent segment of social media users who follow missing child cases as if they were a soap opera or a "choose your own adventure" story. The wannabe sleuths set up private groups in which they can, and do, run wild with speculation built from bits of evidence — sometimes true, sometimes untrue and sometimes wildly misinterpreted. They post theories and congratulate one another on connecting dots that police "failed" to.

"It's unbelievable," Chief Hickman said. "I never really looked at it that way until I started following other cases of people who went missing. Some of the same people commenting on Harley were on those pages. So I don't know if they just sit at home and think up conspiracies — I don't understand it."

On YouTube, some theories centered on the fact that Harley's coat was hanging on a bedroom door in the house where investigators found his body — evidence, the theories suggest, that the teen had been kept there by an abductor.

They knew about the coat because a crowd of media and onlookers had gathered the night that BCI processed the scene, and some took photos through the lit-up windows.

"The mistake that's going to haunt me for the rest of my life is we hung the coat up on the door," Chief Hickman said. "We should have blocked the windows during the search — but that's hindsight."

The chief had been among the first officers to enter the home, he said, and he picked up the

Media strategy evolved as case did

A case of a teenager missing at Christmastime generates intense media interest.

News outlets want to post a story every day to feed their curious readers and reveal case details before competitors do. But investigators try to avoid sharing facts that could color interviews they anticipate having — or tip off a kidnapper about how to avoid detection.

Those clashing goals naturally set media and law enforcement at odds.

Early on in the Harley Dilly case, Port Clinton Police Chief Robert Hickman determined that he was best positioned to deal with the media. His boss, the city manager, had recently left town for a new job, and Port Clinton's limited number of officers needed to devote their time to investigating and to meeting other daily policing needs.

"It was the right decision," BCI Special Agent-in-Charge Jimmy Ciotti said. "He was the right person to do it."

The day after Christmas, during massive public searches for 14-year-old Harley, the chief gave three news conferences. The experience was clearly frustrating — the media pushed for answers that the chief wanted to have but didn't.

"I remember watching, and there were several times when he was overwhelmed and defensive as a result, which is understandable," said Steve Irwin, a public information officer with the Attorney General's Office, who ended up advising Chief Hickman.

coat from the floor, turned it right-side-out and photographed it. He took the photo across the street to Harley's parents to confirm that the coat belonged to the teen, an affirmation that supported the search warrant that allowed BCI investigators to search the house that night.

When the chief finished photographing the coat, he hung it on the door, in part because he hadn't brought along an evidence-collection kit. He hadn't entered the house expecting to find signs of Harley.

The conspiracy theorists didn't care to learn the true context, though. They took the coat as "proof" that police were hiding something.

"People took to wishing me dead, and people were giving me death threats," Chief Hickman said. "I would tell my wife to stay off the rabbit hole (of the Facebook groups). I'd say, 'Sweetheart, I'm used to it — you're not.' Welcome to the world of being a police officer."

At times, the online speculation and vehemence

After that day, the chief decided on a briefing format consisting of one daily update with the same information going to every media outlet, whether local or national, and no sidebar comments.

"Because of the way the case went," Ciotti said, "Hickman really couldn't say a whole lot beyond, 'Yeah, we're still working on it and thank you very much' kind of thing."

For that reason, Irwin said, the first time he talked to Chief Hickman, he recommended moving the daily update to Facebook, a social media platform with which the chief was comfortable.

"The media wasn't happy that I wasn't answering their phone calls," the chief said. "But I still say you give them just what they need because if you give them too much, how much are you going to jeopardize your case?"

"But they don't like to take 'no' for an answer."

Besides taking a frustrating daily experience off the chief's plate during an already-complicated investigation, Irwin said, the regular online update yielded an additional benefit.

"Assuring the media — especially for the national outlets that were there — that we're not going to put out any information outside of this one time helps build trust so they know they're not going to miss anything," he said. "And Chief Hickman proved to them that he was reliable."

The chief's update would come to include a list of the agencies helping with the case; assurances that Harley's family was cooperating; and in some

instances, warnings, such as when an independent search agency started passing itself off as part of the official investigation.

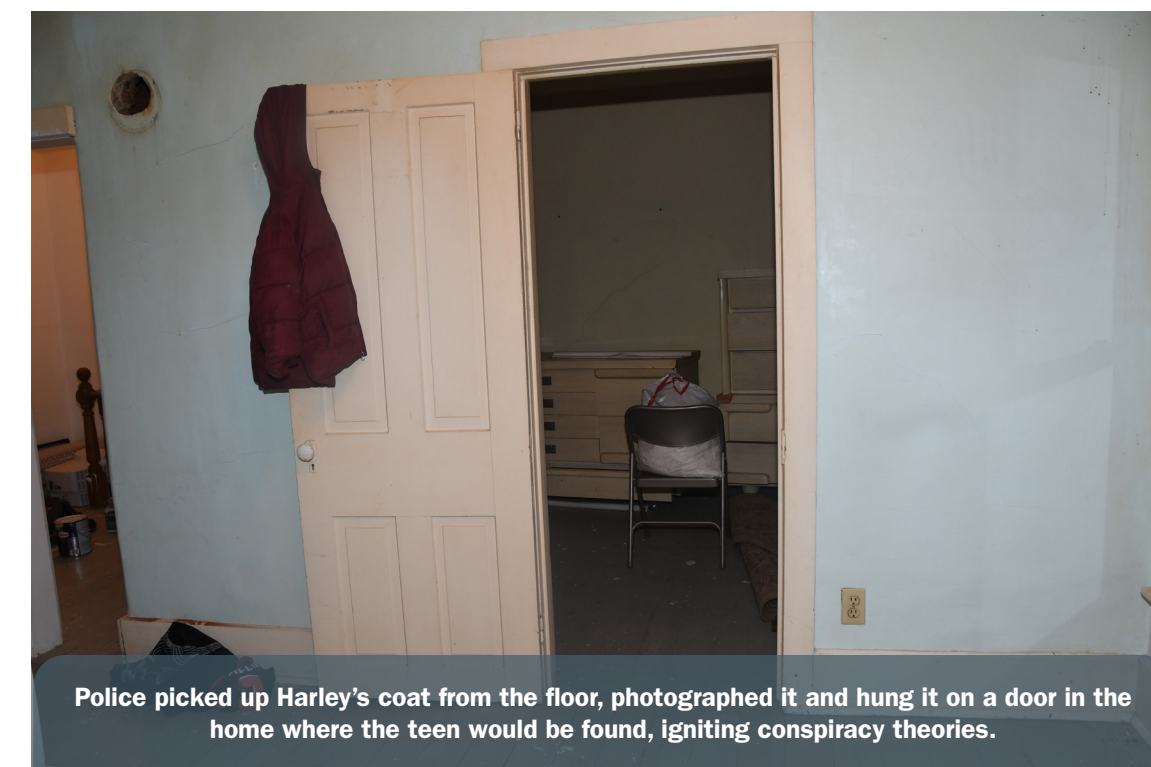
"Another tactic we adapted from Federal Emergency Management Agency recommendations was telling the public how they could help with the case and what they shouldn't do," Irwin said. "So the chief would say: 'We're going to do searches and you can volunteer, but don't go search on your own.' Or: 'Don't spread rumors about the case. If you have information, call police.'"

The latter recommendation came after authorities had spent 10 hours chasing down a lead in Washington state, where a man had posted online that Harley was alive but hurt. Officers would learn that the man had no insider knowledge but instead read those details in a national news story that had used that bit of online speculation as fact.

"So you can see how giving people who care about the case a constructive way to help can benefit the investigation," said Irwin, who complimented the chief for maintaining his composure under trying circumstances.

The communications team at the Attorney General's Office, Irwin said, can help with any case in which BCI takes part — and Chief Hickman said he would recommend that other Ohio law enforcement agencies adopt the same methods.

"Right, wrong or indifferent," the chief said, "the single daily briefing worked for us."



Police picked up Harley's coat from the floor, photographed it and hung it on a door in the home where the teen would be found, igniting conspiracy theories.

A LOOK BACK: MISSING CHILD CASE

jumped from the virtual world to the real world, resulting in protesters demonstrating in Port Clinton before and after Harley's body was found.

First, the protesters criticized the job Port Clinton police were doing, demanding, for example, that they bring in the National Center for Missing & Exploited Children or the FBI — both of which had already been on the case for weeks. The protesters also demanded that police charge the parents, who by that point had been cleared.

Later, protesters accused police of a cover-up.

After word got out that protesters planned to picket Harley's funeral, the chief had to issue a strong warning that those without appropriate permits would be cited.

Also, Hickman's department arrested protesters for trespassing on the property where Harley's body was found and reported a Sandusky resident who had used Facebook to arrange a protest even though she was a Tier III sex offender barred from the social media platform.

"Be ready for protests, especially if a case like this is prolonged," Chief Hickman advises colleagues. "Start thinking outside the box (to deal with protesters) because your community is always on your side, except for a handful of them. My neighbor still thinks I had something to do with it, which is crazy."

The second-to-last puzzle piece

On Jan. 13, having exhausted leads in what increasingly looked like an unsolvable case, investigators decided to start back at the beginning.

"Lori Braunschweiger from BCI had recently gotten back from the holidays and became our new analyst," Chief Hickman said. "We were driving from the landfill, where we were coordinating the search that would happen the next day, back to the PD, and I said, 'Do you want to see where Harley lived?'"

She did, and when they were on Harley's street, posed a fateful question: Had anybody checked out the summer house across from the Dillys' home?

More than once, authorities had combed the double lot on which the house sits, sometimes using cadaver dogs and live-find dogs. They had found no signs of forced entry, and even a bloodhound so good that it had tracked Harley's route to school six days after he had last walked it didn't hit on anything around the house.

Given the ground they needed to cover, officers had moved on. The house sits among 180-plus buildings on the Dillys' block and those immediately adjacent, and there are far more buildings between the high school and



At the house where Harley was found, the metal TV-antenna tower provided ladder-like access to the roof, including the only entry point to the chimney.

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an expanse of empty land east of Harley's neighborhood.

Port Clinton, which has about 6,000 year-round residents, sees many homes occupied only during the summer, when the city's population quadruples. What some civilians — including the backseat Sherlocks on social media — misunderstand is that entering an empty property requires proof that there's a reason to, usually via a search warrant, or permission from the owner.

"But since we're starting back at square one," Chief Hickman told Braunschweiger, "let's check it again."

When the two got out of the cruiser to walk through the yard, Hickman discovered an empty lockbox on the backdoor that had previously gone unnoticed. Over the next several hours, the chief's wife, a real estate agent, would help identify the elderly owners as residents of Avon; a Port Clinton officer would make the hourlong drive there to pick up a key; and the chief and police officers would enter the home for the first time.

That's how they came to find Harley's coat and sweatshirt on the second floor.

An 'almost unbelievable' answer

Beyond the clothing, specialized BCI crime-scene

investigators who searched the house that night found no other obvious evidence of Harley: no footprints in the construction dust, no food wrappers, no scent of decomposition.

The water in the home had been shut off; only the first floor was heated, a bare minimum at that; and the second-floor staircase had been blocked with a large piece of paneling.

The chimney flue, often described as blocked between the first and second floors, actually didn't extend to the first floor. The home had no fireplaces, and plaster walls on the second floor encased the chimney.

The only suggestion that the chimney was there was a pair of 6-inch-diameter holes, one each in the rooms flanking the chimney — flue vents whose covers were found on the floor.

Those elements were like puzzle pieces that refused to come together to form a single picture.

BCI Special Agents Dave Hammond and Megan Roberts had seemingly hit a dead end, but they refused to leave until they solved the mystery of how Harley's clothes had come to be in the house.

"If it hadn't been for their outstanding work, I don't believe Harley's body would have even

been found," said the BCI agent who requested anonymity. "Those agents racked their brains over the evidence presented before them, which was sincerely odd."

The flue vents turned out to be the key. After a camera sent into the chimney returned nothing useful, the agents reached into the holes.

"Hammond called me over and said, 'I think I felt a boy's head or a large animal that's dead,'" Chief Hickman said. "So he goes, 'I don't want anyone in here because we're going to surgically remove the chimney.'"

That's how the agents found Harley, a mini-flashlight at his feet.

"Harley's outcome — it is tragic and almost unbelievable," the anonymous BCI agent said. "I know when I first heard, I had more questions just based on its absurdness."

The strangeness fed the online speculation, but people have died in chimneys:

- In 1977, 14-year-old Robert Thompson went missing in Los Angeles. Twenty-eight years later, his body was found in a chimney at a house just blocks from where he had lived.
- In 2001, the remains of 27-year-old Calvin Wilson were found in a chimney in Natchez, Mississippi. The man had gone missing 15 years earlier.
- In 2008, 18-year-old Josh Maddux was found in Colorado Springs inside a chimney in a cabin a mile from his parents' home. He had gone missing seven years earlier.

"To be honest with you, had Harley not kicked his jacket out of that chimney flue, we would have never known he was there," Ciotti said.

Years might have passed before his body was discovered, as happened in the three earlier cases.

"Because those crime scene agents are smart individuals who care about people and don't give up, they found him," the anonymous BCI agent said. "I was never prouder of BCI than when I heard."

Harley had apparently climbed a rigid metal TV-antenna tower outside the home and clambered into the chimney's only opening — on the roof. He likely intended to explore the home or find a hiding place while he skipped school.

An autopsy determined that Harley died within a few hours of going down the chimney, the result of compressive asphyxia inside the 9-by-13-inch flue. The teen had no other injuries and had apparently shimmied out of his clothes

while inside in an effort to get more room to breathe.

"My heart still mourns for Marcus and Heather," Chief Hickman said. "No child should have to die like that so close to your house."

Officers who care

The discovery of Harley's body finally brought clarity to the case.

"Harley had such a large social media presence, and he just went radio silent that Friday," Chief Hickman said. "This made perfect sense when nothing else up to this point had."

Having an answer, however, didn't ease the disappointment for the officers and agents who had been searching for the teen or for the community that cared about him — all of whom had endured 23 days of hell.

BCI investigators and the Port Clinton police held a debriefing so that agents and officers could share their interpretations of the case, learn from the experience and, hopefully, move on.

"In today's day and age, you need closure — you need to get everything out," Chief Hickman said. "We needed that, whether everyone believed it or not."

"Actually, I had a couple of officers come up and thank me for doing that because we did everything we could and it just stinks that Harley was 100 feet from his house. But there were no signs of it."

Five weeks after Harley's body was found, Chief Hickman wrote a letter to the residents of Port Clinton.

"Words cannot express the gratitude we have for the care and concern that was received from this wonderful community," he wrote.

Because even as the online trolls howled, members of the community cooked meals for the officers, sent them cards expressing their appreciation, and put up pink lights and ribbons to support the search for Harley.

That is the Port Clinton that Chief Hickman knows as home, and the reason he sticks with a job that can seem crazy and undervalued day after day.

Amid the turmoil and protests that have roiled the country this summer, too many have overlooked law enforcement's good intentions.

"Cases like Harley Dilly's are solved because of the passion and determination of the officers and agents who work them," Attorney General Dave Yost said. "Make no mistake — they are solved because law enforcement cares."

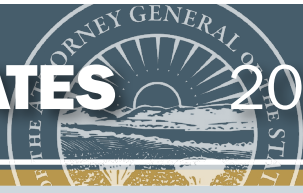


Police Chief Robert Hickman congratulates Detective Ron Timmons as he is named Officer of the Year in a June ceremony.

Advice for tough cases

For departments facing a complicated case not unlike the one involving Harley Dilly, Port Clinton Chief Robert Hickman and BCI agents offer this advice:

- Get all the resources you can as soon as you can. Other agencies want to help. "All the agencies that were here were phenomenal," Chief Hickman said. "There were no egos, and that was really pleasant to see." The extra manpower also helped the Port Clinton officers cover both the usual daily business and the special investigation, and built connections among officers and agents who work throughout the state.
- Record and preserve everything. Take extensive notes about what has been checked, including buildings and people, to help coordinate with other agencies that join the investigation.
- Immediately get all the camera and surveillance footage possible. You have only a 24-hour window to secure video footage that records over itself once a day. You don't have to review everything right away, but it might help later.
- Take care of your people, as they're your best assets. For example, when Chief Hickman's wife, Roseann, noticed that officers weren't getting any sleep, she reached out to their family members to ask what they needed. "It was truly a family effort," the chief said.
- Be aware that the public is watching everything you do. But also remember: Your community has your back, even if they're not as loud as your critics.
- Remember that hindsight is always better than what you know at any time.



411 for LEOs

Website compiles useful updates

Keep up-to-date on Attorney General Dave Yost's work for law enforcement officers at www.OhioAttorneyGeneral.gov/PoliceIssues.

The new webpage offers useful information for officers across the state including:

- Updates on the 2020 Law Enforcement Conference, set to be a virtual experience that will feature workshops on building community trust and investigating unsolved homicides and sexual assaults; 2020 award winners in categories such as lifetime achievement, community service and valor; and more.
- Reforms proposed by the attorney general and governor, measures from state legislators and the status of all such efforts.
- Details on the Bureau of Criminal Investigation's Critical Incidents Team, which can be called on 24/7 to provide a neutral, third-party investigation of officer-involved use of force, such as shootings.
- Online versions of all the stories from this newsletter.

ON THE JOB

CRIMINAL JUSTICE UPDATE

COVER STORY

ESSENTIAL WORKERS

Ohio communities back local police, and new plans would strengthen that relationship | 1-3



CASE REVIEW
CHALLENGES WERE MANY
IN PORT CLINTON'S SEARCH
FOR TEEN HARLEY DILLY | 6-11



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