



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2022-1545
Officer Involved Critical Incident – 4851 Westchester Drive, Apt
101, Austintown, Ohio 44515

Investigative Activity: Search Warrant
Involves: Imonie Theresa Hackett (S)
Date of Activity: 09/13/2022
Activity Location: Mercy Health, Youngstown Hospital – 1044 Belmont Avenue,
Youngstown, OH 44504, Mahoning County
Author: SA Eric Lehnhart, #84

Narrative:

Search Warrant Obtained

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Eric Lehnhart (Lehnhart) drafted a search warrant for medical records relative to the officer-involved critical incident which occurred on July 19, 2022.

On Tuesday, September 13, 2022, SA Lehnhart met with Mahoning County Court of Common Pleas Judge Anthony M. D'Apolito (Judge D'Apolito). Judge D'Apolito reviewed the search warrant and search warrant affidavit. On September 13, 2022, at approximately 1200 hours, Judge D'Apolito authorized the search warrant.

Search Warrant Executed

On Wednesday, September 14, 2022, at approximately 1134 hours, SA Lehnhart served the aforementioned search warrant by faxing and emailing a copy of the signed warrant and a Mercy Health Request for Protected Information Form.

On Tuesday, September 27, 2022, SA Lehnhart made contact with a representative of Mercy Health, who advised that the search warrant was denied for several reasons. Mercy Health contends that a review of the search warrant was conducted on Thursday, September 22, 2022, and a denial of compliance was sent out on Friday, September 23, 2022.

An inventory was prepared with a copy provided to the Mahoning County Clerk of Courts.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

Search Warrant Returned

On Tuesday, October 11, 2022, SA Lehnhart met with Judge D'Apolito. Judge D'Apolito reviewed and signed the search warrant return. On Tuesday, October 11, 2022, SA Lehnhart filed the original search warrant, search warrant affidavit, inventory and search warrant return with the Mahoning County Clerk of Courts.

Court Order

On Friday, October 7, 2022, the Mahoning County Prosecutor's Office drafted and presented an "Order for the Release of Medical Records" to Mahoning County Court of Common Pleas Judge R. Scott Krichbaum (Judge Krichbaum). Judge Krichbaum signed the court order, and the Mahoning County Prosecutor's Office filed it with Ciox Health.

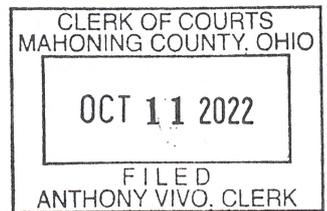
On Wednesday, October 26, 2022, Ciox Health responded by providing the requested information in digital form to the BCI Youngstown Northeast Regional Office.

Attachments:

Attachment # 01: 2022-10-11 Hackett Mercy Health Mahoning Search Warrant Clerked

Attachment # 02: 2022-10-11 Hackett Mercy Health Mahoning Court Order

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO



STATE OF OHIO:

§

MAHONING COUNTY:

CASE NO. _____

AFFIDAVIT FOR SEARCH WARRANT

Before me a Judge of the Court of Common Pleas, personally appeared the undersigned, Special Agent Eric Lehnhart, Badge #084 who is duly sworn, deposes and says that he is a member of the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation (BCI&I). During Special Agent Eric Lehnhart's career with the Ohio Bureau of Criminal Identification and Investigation, he has participated in specialized training concerning the investigation of officer-involved critical incidents. Special Agent Eric Lehnhart is certified through the Ohio Peace Officers Training Commission and has obtained a Master Degree in Business Administration. Special Agent Eric Lehnhart has conducted and participated in numerous criminal investigations which have resulted in the issuance of court orders, search warrants, indictments, and convictions. Special Agent Eric Lehnhart states that he is a Special Agent in the Major Crimes Division, Special Investigation's Unit of the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigations, acting under a request for assistance from the Austintown Township Police and the Ohio State Highway Patrol (OSHP).

He has reasonable cause to believe and does believe, that medical records being kept at Mercy Health St. Elizabeth Youngstown Hospital, 1044 Belmont Avenue, Youngstown, Ohio 44501, belonging to Imonie Theresa Hackett (03-28-1991) for dates of service July 19, 2022 to discharge, to including, but not limited to, Emergency Department (ED) notes, reparatory therapy notes, narrative summary, after care service plan, history and physical, social work assessment, progress notes, lab results, treatment plan, consultation, orders, and other records relevant to the patient's care, be seized, which relate to the investigation being conducted by agents of the Ohio Bureau of Criminal Identification and Investigation involving an officer-involved critical incident shooting, in violation of Ohio Revised Code 2903.11 (Felony Assault).

PRESERVATION OF PROPERTY. This affiant states that the seized records will remain in the care, custody, and control of the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation (BCI&I) unless and until otherwise authorized by this court.

The facts upon which the Affiant such believes are as follows:

1. The Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation is conducting a criminal investigation at the request of the Austintown Township Police and Ohio State Highway Patrol (OSHP) regarding an officer-involved critical incident shooting which occurred in Austintown Township, Mahoning County, Ohio.

2. According to the Ohio Revised Code 109.54, the bureau of criminal identification and investigation may investigate any criminal activity in this state that is of statewide or intercounty concern when requested by local authorities and may aid federal authorities, when requested, in their investigation of any criminal activity in this state.
3. On Tuesday, July 19, 2022, Austintown Township Police Chief Robert Gavalier requested agent(s) assistance with an officer-involved critical incident shooting investigation. On Tuesday, July 19, 2022, your applicant joined the investigation into the officer-involved critical incident shooting.
4. 
5. On Monday, July 18, 2022, at 2100 hours, Austintown Township, Ohio police officers were dispatched to 4851 Westchester Drive, Building A, Apartment 1, Austintown, Ohio for a welfare check on Imonie T. Hackett (Hackett). Hackett's neighbor called and advised police dispatch that every time they open their apartment door, Hackett would "rack" (cycle) the slide on her gun.
6. Austintown Township officers located Hackett sitting on the ground outside her apartment replacing the locks on her apartment door. Hackett advised the ATPD that they were not the real police, they were only there to harass her and that she and they (the police) were being watched by people in Austintown Township, who were from the Chicago area.
7. ATPD officers noticed David, Hackett's son sitting near by and asked him if he was okay, which he replied, "yes." They also asked him if it was normal for his mother to be speaking like this, "yes" was his reply.
8. ATPD officers observed two (2) loose "rounds" (cartridges) on the ground next to Hackett and an empty holster attached to her right-side hip. Hackett rose to her feet, entered her apartment, and shut the apartment door. As officers were backing out of the hallway, Hackett reappeared in her opened door with a firearm in her right hand. As officers ordered her to drop the weapon, Hackett began to yell at officers to not mess with her. ATPD officers continued to give commands to Hackett to drop her weapon, but she refused and retreated back inside her apartment, shutting the door behind her.
9. ATPD officers evacuated several residents in building A, as they contacted the critical response team for assistance. Sgt. Delmont called Hackett on the telephone in an attempt to get her to lay down the weapon and come out of the apartment. Sgt. Delmont also spoke briefly to David who advised he was okay. Hackett eventually took back the phone from David, refused to exit her apartment and hung up on police. Officer's stated that Hackett directed David to give her more "clips" and to load more "clips."

10. Over the following eighteen to nineteen (18-19) hours, members of the Austintown Township Police Critical Response Team, Federal Bureau of Investigation (FBI) Special Weapons and Tactics (SWAT) Team and the Ohio State Highway Patrol Special Response Team (SRT) made attempts to communicate with Hackett via the telephone and tactical robot with no success.
11. Hackett began live streaming on Facebook where she recorded for five (5) minutes and forty-five (45) seconds. Prior to her live stream, Hackett posted a series of posts that questioned her followers on the app as to what was happening and why they were all acting "weird."
12. On Tuesday, July 19, 2022 at approximately 1616 hours, Hackett opened a curtain on her southside window exposing herself to an OSHP Sniper and spotter located in the adjacent building. Hackett raised a weapon pointing it in a southwest direction towards law enforcement officials who were staged at the southwest corner of her apartment. Hackett fired two (2) bullets in the direction of these Troopers.
13. In response to Hackett's actions, the OSHP Sniper fire one (1) bullet, striking both the window meeting rail and Hackett. Hackett's injuries, caused her to fall to the ground and out of sight of the OSHP Sniper and spotter.
14. An OSHP SRT Team positioned in Building A, breached Hackett's apartment door, removed Hackett's son, David from the apartment, and made the apartment safe for responding EMS personnel.
15. Hackett was treated at the scene by members of the Ohio State Highway Patrol Special Response Team and Paramedics from Lane Life Trans Medical Services who transported Hackett to Mercy St. Elizabeth Youngstown Hospital located at 1044 Belmont Avenue, Youngstown, Ohio 44501. Hackett remained at Mercy St. Elizabeth Youngstown Hospital for several weeks before being transferred to Regency Hospital – Cleveland East located at 4200 Interchange Corporate Center, Warrensville Heights, Ohio 44128 until her death on August 25, 2022 at 1239 hours.
16. Over the next several weeks, your applicant, and supporting BCI&I special agents, have interviewed witnesses and collected evidence that pertain to this investigation.
17. Based on this information, applicants training and experience as a law enforcement officer, applicant knows that medical records can be used to verify investigative information. Applicant believes the information sought in the attached application will assist with the above captioned investigations by providing details not otherwise known or available to the investigative team, as well as identifying additional evidence and verify statements of persons involved in the investigation. Through this, it is believed that Mercy Health St. Elizabeth Youngstown Hospital has in their possession medical records that supports the Revised Code Section mentioned above.

FURTHER AFFIANT SAYETH NAUGHT.


Special Agent Eric Lehnhart #084
Ohio Attorney General's Office / BCI&I

Sworn to and subscribed before me this 13th day of September, 2022.


Judge
Court of Common Pleas
Mahoning County, Ohio

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

CLERK OF COURTS
MAHONING COUNTY, OHIO
OCT 11 2022
FILED
ANTHONY VIVO, CLERK

IN THE MATTER OF PRODUCTION OF:
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Records of Mercy Health St. Elizabeth
Youngstown Hospital
Pertaining to Imonie Theresa Hackett

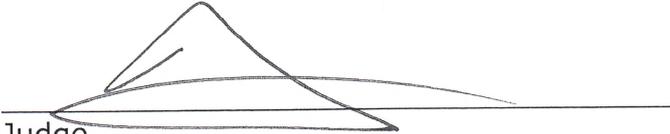
CASE NO.:
:
:
Order
For Production of Records

SEARCH WARRANT

This cause having come to be heard before the undersigned Judge of the Mahoning County Common Pleas Court, and the affidavit of Bureau of Criminal Identification and Investigation Special Agent Eric Lehnhart, which application and affidavit requested that an Order be issued directing that (1) BCI&I Special Agent Eric Lehnhart obtain a copy of completed medical records of **Imonie Theresa Hackett (DOB 03-28-1991)** from Mercy Health St. Elizabeth Youngstown Hospital, 1044 Belmont Avenue, Youngstown, Ohio 44501 for dates of service July 19, 2022 to discharge, to including, but not limited to, Emergency Department (ED) notes, reparatory therapy notes, narrative summary, after care service plan, history and physical, social work assessment, progress notes, lab results, treatment plan, consultation, orders, and other records relevant to the patient's care.

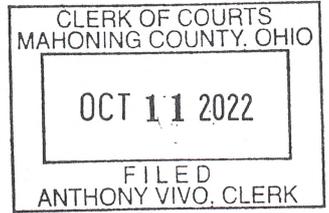
I have determined that the probative value of protected health information contained in the medical records of **Imonie Theresa Hackett (DOB 03-28-1991)** from Mercy Health St. Elizabeth Youngstown Hospital, 1044 Belmont Avenue, Youngstown, Ohio 44501; outweighs any privileges afforded under Ohio Revised Code Section 2317.02. I further find that Mercy Health St. Elizabeth Youngstown Hospital may furnish information giving cause to the event to which this matter relates and may disclose such protected health information either through records or interviews in this matter to the Ohio Bureau of Criminal Identification and Investigation.

IT IS SO ORDERED



Judge
Court of Common Pleas
Mahoning County, Ohio

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO



STATE OF OHIO:
§
MAHONING COUNTY

CASE NO. 22sw 158

SEARCH WARRANT RETURN

On the 14th day of September 2022, at 1133 hours, I executed the Search Warrant attached hereto, and seized the following described persons and property, to-wit: Mercy Health St. Elizabeth Youngstown Hospital refused compliance.
Witnessed the taking of the above persons or property and making of the inventory of said described property that was seized in compliance with this Court Order.


By: Eric T. Lehnhart #084
Title: Special Agent
Ohio Attorney General's Office / BCI&I

Sworn to and subscribed before me this 11th day of October 2022.

It is hereby ordered that the property seized be held in the custody of the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation (BCI&I) until further Order of the Court.


Judge
Court of Common Pleas
Mahoning County, Ohio

*****AUTO**MIXED AADC 300

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OHIO ATTORNEY GENERAL

ERIC LEHNHART

9pgs

4055 HIGHLANDER PKWY

RICHFIELD, OH 44286-9081



0009001067K00



ATTENTION

Confidential Information enclosed.
To be viewed by authorized persons only.

If you have questions regarding any information you have requested,
please call the phone number on the enclosed invoice.

To Whom It Concern:

CIOX has provided to you protected health information that may contain information that falls under the 42 C.F.R. Part 2. The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publically available information, or through verification of such identification by another person unless further disclosure is expressly permitted by written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose (see 42 CFR §2.31). The federal rules restrict any use of the information to investigate or prosecute with regard to a crime any patient with a substance use disorder, except as provided at 42 CFR §§ 2.112(c)(5) and 2.65.

If the enclosed record pertains to HIV/AIDs, it has been disclosed to you from records whose confidentiality is protected by federal and perhaps, state law, which prohibits you from making any further disclosure of such information without the specific consent of the person to whom such information pertains or as otherwise permitted by state law. A general authorization for this release of health or other information is not sufficient for this purpose.

If the information requested is from a facility located within the Washington State area then this information will fall under the RCW 70.02.300 which states that this information has been disclosed to you from records who confidentiality may be protected by state law. State law prohibits you from making any further disclosure of it without the specific written authorization of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of this protected information is not sufficient for this purpose.



301736103

Ciox Health

P.O. Box 409822
Atlanta, GA 30384-9822
Fed Tax ID 58 - 2659941
1-800-367-1500

Date
09/22/2022
Request ID #
0388974194

Ship To:

ERIC LEHNHART
OHIO ATTORNEY GENERAL
4055 HIGHLANDER PKWY
RICHFIELD,OH 44286-9081

Requested By: OHIO ATTORNEY GENERAL

Patient Name: HACKETT IMONIE

DOB : 03/28/1991

Records From:

MERCY ST ELIZABETH
YOUNGSTOWN
1044 BELMONT AVE
YOUNGSTOWN,OH 44501

**IMPORTANT INFORMATION REGARDING YOUR REQUEST FOR
MEDICAL RECORDS**

09/22/2022

From

Mercy St Elizabeth Youngstown
1044 Belmont Ave
Youngstown OH 44501

To

OHIO ATTORNEY GENERAL
4055 HIGHLANDER PKWY
RICHFIELD OH 44286-9081

Re: Imonie Hackett

We are unable to comply with your request at this time for the following reason(s):

The Court Order that you included is not dated. Also in the first paragraph on the Court Order you specify what information you are needing however in the 2nd paragraph you quoted ORC Section 2317.02 which this code is to release toxicology results only. Please verify on Court Order which documentation is needed.

Sincerely,

Mercy St Elizabeth Youngstown



DAVE YOST
OHIO ATTORNEY GENERAL

BCI

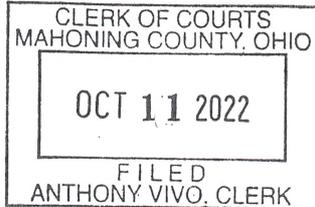
4055 Highlander Parkway

Richfield

OH 44286

(330) 659-4107

www.ohioattorneygeneral.gov



Fax Cover Page

To: Fax Number: 3307520990
Company: Date: 9/14/22 Time: 11:33:05 AM

From: Eric Lehnhart Fax Number: (866) 502-7763
Phone: (234) 400-3606 No. of pages: 5
(including cover page)

Subject: Imonie T. Hackett Medical records Search Warrant

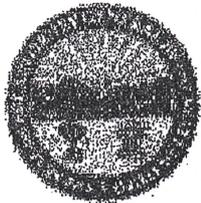
Message
Details:

If you do not receive any of the pages properly, please contact sender/call back person as soon as possible.

Note: This is a fax transmission of Attorney privileged and/or confidential information. It is intended only for the use of the individual or entity to which it is addressed. If you have received this communication in error, please notify the sender at the above address and **destroy this transmittal** If you are not the intended recipient, you are hereby notified that any retention or dissemination of this

Containing:

Fax Cover
Copy of Search Warrant
Release of Protected Health Information Form



Eric T. Lehnhart, MBA, CFE, EMT-I
Sr. Special Agent – Company B
Office of Ohio Attorney General Dave Yost
Office number: 234-400-3606
Fax number: 866-502-7763
Cell number: 419-408-8042

eric.lehnhart@ohioago.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone.

- * Confidential Law Enforcement Investigatory Record - Not for public or unauthorized disclosure.
- * Confidential Attorney - Client Communication - Not for public or unauthorized disclosure.



DAVE YOST
OHIO ATTORNEY GENERAL

BCI Richfield Major Crimes
Cell 419-408-4082
Fax 866-502-7763

CLERK OF COURTS
MAHONING COUNTY, OHIO
OCT 11 2022
FILED
ANTHONY VIVO, CLERK

Fax Cover

To: Mercy Health, St. Elizabeth,
Youngstown Hospital

From: Eric Lehnhart, Special Agent
Ohio Attorney General's Office

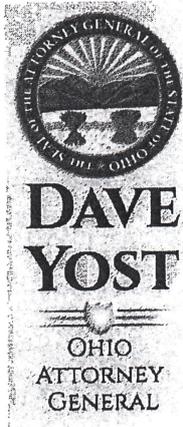
Fax: (866) 502-7763 Pages: Three (3) including this cover

Phone: (419) 408-8042 Date: Wed. September. 14, 2022

Re: Search Warrant / Imonie Hackett cc:

Urgent For Review Please Comment Please Reply Please Recycle

● *Comments:*



Eric T. Lehnhart
BCI SPECIAL AGENT
BCI



4055 Highlander Parkway
Richfield, OH 44286
Eric.Lehnhart@OhioAttorneyGeneral.gov
Office: 234-400-3606
Mobile: 419-408-8042
Fax: 866-502-7763
www.OhioAttorneyGeneral.gov

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

CLERK OF COURTS
MAHONING COUNTY, OHIO
OCT 11 2022
FILED
ANTHONY VIVO, CLERK

IN THE MATTER OF PRODUCTION OF:
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Records of Mercy Health St. Elizabeth
Youngstown Hospital
Pertaining to Imonie Theresa Hackett

CASE NO.: _____
Order
For Production of Records

SEARCH WARRANT

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IT IS SO ORDERED



Judge
Court of Common Pleas
Mahoning County, Ohio

CLERK OF COURTS
MAHONING COUNTY, OHIO
OCT 11 2022
FILED
ANTHONY VIVO, CLERK

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

STATE OF OHIO,)	CASE NO. 2022 CR OPEN
)	
Plaintiff)	
)	JUDGE R. SCOTT KRICHBAUM
v.)	GRAND JURY JUDGE
)	
JOHN DOE,)	<u>ORDER FOR RELEASE</u>
)	<u>OF MEDICAL RECORDS</u>
Defendant)	

Upon Motion this Court hereby Orders Mercy Health – St. Elizabeth’s Hospital to release to the Ohio Attorney General’s Office the records of Imonie T. Hackett (DOB: 03/28/1991) for treatment from July 19, 2022 until the present.

Said records shall be provided to Sr. Special Agent, Eric T. Lehnhart, MBA, CFE, EMT-I, at the Ohio Attorney General’s Office, no later than October 17, 2022 at 9:00 a.m.

YOU MUST RETURN A COPY OF THIS Court Order WITH THE REQUESTED RECORDS. Return the material requested preferably in electronic format by email to: eric.lehnhart@ohioago.gov. Otherwise, please mail all materials on a disc to: 20 W Federal Street, 3rd Floor, Youngstown, OH 44503. If you have any questions please call 234-400-3606. The Court finds that the release of said documentation is reasonable and necessary for the proper investigation of this matter.

IT IS SO ORDERED.


JUDGE R. SCOTT KRICHBAUM

10/17/22

DATE