

# SUPPLEMENTARY REPORT

COMPLAINT NO.

Cleveland Division of Police

DATE OF THIS REPORT : January 28, 2022

2022-0243867

**SUBJECT: Felonious Assault On Peace Officer On Duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by Death**

| VICTIM                            | ADDRESS             | PHONE       | AGE | SEX | RACE | M-S |
|-----------------------------------|---------------------|-------------|-----|-----|------|-----|
| Paul Marks                        | 1200 Ontario Street |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE             | TYPE OF PLACE       | ZONE        |     |     |      |     |
| 1940 West 96 <sup>th</sup> Street | Hallway             | 1-6         |     |     |      |     |
| TIME OF OCCURRENCE                | DATE OF OCCURRENCE  | DAY OF WEEK |     |     |      |     |
| Approximately 1125 Hours          | January 27, 2022    | Thursday    |     |     |      |     |

Page 2 of 10

## ORIGINAL INVESTIGATION U.D.F.I.T. # 22-01

**ASSIGNMENT:**

On Thursday January 27, 2022 while working car 8186S I received the following assignment; 1940 West 96<sup>th</sup> Street Cleveland Housing Court Bailiff's on scene C/W an eviction. 26 year old Black Male victim of GSW to the head. No Bailiff's injured. Medic # 24 transported victim to Metro Hospital. CAD # 2022-024387.

I immediately notified the Chief Dispatcher and then responded to the Crime Scene.

**INVOLVED****OFFICER # 1:**

Deputy Bailiff KENYON JONES B/M/32  
DOB: 11/30/1989  
Cleveland Housing Court  
1200 Ontario Street  
Cleveland, Ohio 44113  
Date of Appointment: 09/24/2016

**INVOLVED****OFFICER WEAPON:**

Refer to reports completed by Det. Gonzalez # 1011 for further details.

**INVOLVED****OFFICER # 2:**

Deputy Bailiff PAUL MARKS W/M/55  
DOB: 12/30/1966  
Cleveland Housing Court  
1200 Ontario Street  
Cleveland, Ohio 44113  
Date of Appointment: 12/11/2012

**INVOLVED****OFFICER WEAPON:**

Refer to reports completed by Det. Kellums # 1020 for further details.

**INVESTIGATING OFFICERS**

Diaz # 1001, Bauhof # 17637, Kellums # 1020 &amp; Gonzalez # 1011

PLATOON

1<sup>st</sup>.

CAR

8186-S

APPROVED BY

WEATHER

 CLEAR  
 CLOUDY RAIN  
 SNOW

TEMP \_\_\_\_\_

WIND \_\_\_\_\_

 A.I.U.  
 S.I.U. REQUESTED  
 NOT REQUESTED ON SCENE

ASSIGNMENT RECEIVED FROM:

 RADIO  DISTRICT Det. Bur. TIME ASSIGNED  
COMPLETED

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## ORIGINAL INVESTIGATION U.D.F.I.T. # 22-01

INVOLVED  
OFFICER # 2  
INTERVIEW:

Refer to reports completed by Det. Kellums # 1020 for further details.

VICTIM # 3:

WILLIAM SHEPERD B/M/49  
DOB: 05/15/1972



Refer to reports completed by Det. Borden # 43 for further details.

SUSPECT:

ZACHERY L. EDWARDS B/M/36  
DOB: 11/23/1985 SSN #:   
4072 Fulton Road Apt. # D24  
Cleveland, Ohio 44144

ZACHERY EDWARDS does not have any criminal history. We did find that a report was filed on July 02, 2022 at which time EDWARDS was listed as a suspect in a Menacing Report (2020-0197109). A copy of the report will be attached with this report.

EDWARDS was transported from the Crime Scene to Metro health Medical Center by EMS Medic # 24. EDWARDS was treated for a GSW to the head. EDWARDS was pronounced by Dr. Koning at 1214 Hours.

NOTIFICATION:

ZACHERY EDWARDS father, ZACHERY EDWARDS SR., responded to Metro Health Medical Center at which time he was notified. Refer to reports complete by Det. Cramer # 346 for further details.

*[Signature]*  
 INVESTIGATING OFFICERS  
 Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011

PLATOON 1<sup>st</sup> CAR 8186-S APPROVED BY *[Signature]*

WEATHER  CLEAR  CLOUDY  RAIN  SNOW TEMP \_\_\_\_\_ WIND - \_\_\_\_\_ A.I.U.  S.I.U.  REQUESTED  NOT REQUESTED  ON SCENE

ASSIGNMENT RECEIVED FROM: \_\_\_\_\_ TIME ASSIGNED \_\_\_\_\_  
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|--|---|-------|--------------------------------|-----------------|------------------|-----|
| VICTIM<br><b>Paul Marks</b>                                      | ADDRESS<br><b>1200 Ontario Street</b>         | PHONE | AGE<br><b>53</b>               | SEX<br><b>M</b> | RACE<br><b>W</b> | M-S |
| ADDRESS OF OCCURRENCE<br><b>1940 West 96<sup>th</sup> Street</b> | TYPE OF PLACE<br><b>Hallway</b>               |       | ZONE<br><b>1-6</b>             |                 |                  |     |
| TIME OF OCCURRENCE<br><b>Approximately 1125 Hours</b>            | DATE OF OCCURRENCE<br><b>January 27, 2022</b> |       | DAY OF WEEK<br><b>Thursday</b> |                 |                  |     |

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## ORIGINAL INVESTIGATION U.D.F.I.T. # 22-01

**MORGUE:**

ZACHERY EDWARDS was transported from Metro Health Medical Center to the CCME by Esposito Mortuary Services Attendant PEREZ. EDWARDS was received at the CCME at 1810 Hours by Liegl.

EDWARDS was found to be 65" in height and weighed 112 lbs. with brown eyes, black hair and black mustache and beard. EDWARDS teeth were in fair condition.

EDWARDS was found to be wearing multi colored undershorts, two pairs of blue pants, multi colored jacket, black shirt, white socks, a black bandana and a black sweatshirt. EDWARDS also had a black string necklace.

**EDWARDS was assigned CCME Case # IN2022-237.**

Dr. RICE from the CCME performed the Post Mortem Examination on ZACHERY EDWARDS. Dr. RICE reports that EDWARDS died as a result of a single GSW that enters the top left side of his head, it goes through his brain and exits the left side of his head.

The direction of travel was front to back, slightly downward and left to right.

**Dr. RICE has ruled the cause of death of ZACHERY EDWARDS to be a Homicide. Dr. RICE requested that we send the involved firearm as soon as possible for examination.**

**EVIDENCE:**

**The following evidence was photographed and collected at the crime scene located at 1940 West 96<sup>th</sup> Street by CSRU Det. Manson # 632 and Hale # 1187;**

**Marker # 1: Notebook** was recovered on a table in the living room in the southeast corner. This item measured to be 1' west of the east wall and 3' north of the south wall. This item was placed in the **Homicide Unit Property Book Page 110, Line 34.**

*280*

|  |  |   |                                       |  |
|--|--|---|---------------------------------------|--|
| INVESTIGATING OFFICERS<br>Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011  |  | PLATOON<br>1 <sup>st</sup> .  | CAR<br>8186-S                         | APPROVED BY<br><i>[Signature]</i>                                  |
| WEATHER<br><input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY   | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP _____  | <input type="checkbox"/> WIND - _____ | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U. |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/> |  | REQUESTED <input type="checkbox"/> ON SCENE<br>NOT REQUESTED <input type="checkbox"/> |                                       |  |
|  |  | TIME ASSIGNED _____<br>COMPLETED _____  |                                       |  |

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**Agency)/ Shooting/ Abated by Death**

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## ORIGINAL INVESTIGATION

U.D.F.I.T. # 22-01

**Marker # 2: Kitchen Knife with a black handle** was recovered on chair next to the table in the living room. This item measured to be 5' east of the front entrance and 4' north of the south wall. This item was placed in the **Homicide Unit Property Book Page 110, Line 35.**

**Marker # 3: Security Camera** was recovered on a chair next to the table and the chair with the knife on it in the living room. The camera appears to be facing towards the front entrance. This item measured to be 4'8" east of the front entrance and 4' north of the south wall. This item was placed in the **Homicide Unit Property Book Page 110, Line 36.**

**Marker # 4: Kitchen Knife with black handle** was recovered on top of some weights which were on the floor in the living room near the front entrance. This item measured to be 2'3" east of the entrance and 8'6" north of the south wall. This item was placed in the **Homicide Unit Property Book Page 111, Line 01.**

**Marker # 5: Wood Club with suspected blood** was recovered on the floor in the hallway just outside the entrance to apartment # 2. This item measured to be 1" north of the south wall and 6" west of the entrance. This item was placed in the **Homicide Unit Property Book Page 111, Line 02.**

**Marker # 6: Suspected Blood** was found on the floor in the hallway just outside the entrance to apartment # 2. This area measured to be 2'6" south of the north wall and 3'4" west of the entrance. This item was placed in the **Homicide Unit Property Book Page 111, Line 03.**

**Marker # 7: Spent Pellet** was found on the floor in the hallway just outside the entrance to apartment # 2. This area measured to be 2'3" south of the north wall and 4'3" west of the entrance. This item was placed in the **Homicide Unit Property Book Page 111, Line 04.**

*RB*

... INVESTIGATING OFFICERS \_\_\_\_\_ PLATOON \_\_\_\_\_ CAR \_\_\_\_\_ APPROVED BY *[Signature]*

Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011 1<sup>st</sup>. 8186-S

WEATHER  CLEAR  RAIN  A.I.U.  REQUESTED  ON SCENE  
 CLOUDY  SNOW  S.I.U.  NOT REQUESTED

ASSIGNMENT RECEIVED FROM: \_\_\_\_\_ TIME ASSIGNED \_\_\_\_\_  
 RADIO  DISTRICT Det. Bur.  COMPLETED

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## ORIGINAL INVESTIGATION U.D.F.I.T. # 22-01

**Marker # 8: Spent Cartridge Casing** was recovered on the floor in the hallway in front of the entrance to apartment # 1. This item measured to be 14'9" south of the north wall and 6" west of the entrance to apartment # 1. This item was placed in the Homicide Unit Property Book Page 111, Line 05.

**Marker # 9: Trail of Suspected Blood** was found in the hallway beginning at the front entrance to the apartment building and continues down the stairs to the first floor and continues down the hallway to apartment # 2.

**Marker # 10: Suspected Blood** was found on the front sidewalk in front of the entrance to the apartment building. This area measured to be 7'6" south of the front entrance and 1' east of the front entrance.

**Marker # 11: Suspected Blood Splatter** was found on the east wall of the hallway in between Apartment # 1 and Apartment # 2.

**Marker # 12: A wallet with ID belonging to ZACHERY L. EDWARDS Jr. with DOB: 11/23/1985 and DL #: [REDACTED]** was recovered on the table in the living room next to the notebook. This item was placed in the Homicide Unit Property Book Page 111, Line 06.

**SCENE:**

The location of occurrence for this incident is in the hallway of 1940 West 96<sup>th</sup> Street. This is an apartment building (**Madison Park Luxury Apartments**) which is situated on the west side of the street with the parking lot along the south side of the building.

There are two entrances on the south side of the apartment building. One at the east end and one at the west end of the apartment building. This incident occurs inside the east entrance on the first floor. We found there to be **suspected blood (Marker # 10)** on the sidewalk just outside the front entrance.

|  |   |               |  |
|--|---|---------------|--|
| INVESTIGATING OFFICERS<br>Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011  | PLATOON<br>1 <sup>st</sup>  | CAR<br>8186-S | APPROVED BY<br>  |
| WEATHER<br><input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | TEMP _____ °  | WIND _____    | A.I.U. <input type="checkbox"/><br>S.I.U. <input type="checkbox"/> |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/>         | REQUESTED <input type="checkbox"/> ON SCENE<br>NOT REQUESTED <input type="checkbox"/> |               |  |
| TIME ASSIGNED _____<br>COMPLETED   |   |               |  |

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## ORIGINAL INVESTIGATION

U.D.F.I.T. # 22-01

There was a **Trail of Suspected Blood (Marker # 9)** which began at the front entrance and continued down the stairs to the first floor and continues down the hallway to apartment # 2. There are four apartments on each floor.

We recovered **One Spent Cartridge Casing (Marker # 8)** on the floor of the hallway on the first floor just in front of the entrance to apartment # 1. We found there to be **Suspected Blood Splatter (Marker # 11)** on the east wall of the hallway in between apartments # 1 and # 2.

We found there to be a **Pool of Suspected Blood (Marker # 6)** in the hallway just west of the front entrance to apartment # 2. There was a **Spent Pellet (Marker # 7)** next to the pool of suspected blood in the hallway.

We found there to be several tools in front of the entrance to Apartment # 2 on the floor. We recovered the **Wood Club (Marker # 5)** on the floor in front of the entrance to Apartment # 2 on top of the tools. The Wood Club had suspected blood on it.

Upon entry into Apartment # 2 there is the living room. We found there to be a **Kitchen Knife with a Black Handle (Marker # 4)** on top of some weights which were on the living room floor just north of the entrance.

There was a table in the southeast corner of the living room. We recovered the **Notebook (Marker # 1)** on top of the table. There was a **Wallet with Ohio Driver's License (ZACHERY L. EDWARDS JR./ Marker # 12)** on the table next to the notebook.

We found there to be a second **Kitchen Knife with a black handle (Marker # 2)** on a chair next to the table. There was another chair next to this chair which had a **Security Camera (Marker # 3)** on the chair facing towards the entrance.

|   |   |  |  |  |
|---|---|--|--|--|
| INVESTIGATING OFFICERS  |   | PLATOON  | CAR  | APPROVED BY  |
| Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011 |   | 1 <sup>st</sup> .  | 8186-S   | <i>Alman</i>   |
| WEATHER   | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP _____   | <input type="checkbox"/> WIND - _____  |
| ASSIGNMENT RECEIVED FROM:                                     |   |  | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED |
| <input type="checkbox"/> RADIO                                | <input type="checkbox"/> DISTRICT                                 | <input type="checkbox"/> Det. Bur.                             | TIME ASSIGNED _____<br>COMPLETED                                   |  |

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## ORIGINAL INVESTIGATION

U.D.F.I.T. # 22-01

To the east of the living room is the kitchen. To the north of the kitchen there is a bathroom and a bedroom.

**INVESTIGATION:**

The investigation reveals that on Thursday January 27, 2022 at 1125 Hours, First District Officers responded to 1940 West 96<sup>th</sup> Street Apartment # 2 for a male victim of GSW. Upon their arrival they observed EMS Medic # 24 tending to ZACHERY EDWARDS, who had a GSW to his head.


The responding zone car conferred with Chief Hall who is the Chief Bailiff for the Cleveland Housing Court. Chief Hall advised the officers that two of her Bailiffs responded to 1940 West 96<sup>th</sup> Street Apt. # 2 to serve an eviction notice to ZACHERY EDWARDS.

Chief Hall states that two of her Bailiff's, Deputy Bailiff KENYON JONES and Deputy Bailiff PAUL MARKS, were serving the eviction notice to ZACHERY EDWARDS when they were attacked by ZACHERY EDWARDS with a baseball bat. One of the Bailiff's shot EDWARDS.

EMS Medic # 24 responded to the scene and transported EDWARDS to Metro Health Medical center. ZACHERY EDWARDS was pronounced deceased at 1214 Hours by Dr. KONING. ZACHERY EDWARDS Sr. who is the biological father to ZACHERY EDWARDS responded to Metro health Medical center at which time he was notified of his son's death.

A full UDFIT call up was initiated and members of the FIT Team responded to both the crime scene and Metro Health Medical Center.

Several interviews were conducted on scene by the FIT Team.

|   |   |  |                    |   |
|---|---|--|--------------------|---|
| INVESTIGATING OFFICERS  |   | PLATOON  | CAR                | APPROVED BY   |
| Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011 |   | 1 <sup>st</sup>  | 8186-S             |  |
| WEATHER   | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP               | <input type="checkbox"/> WIND -   |
| ASSIGNMENT RECEIVED FROM:                                     | RADIO   |  | DISTRICT Det. Bur. | <input type="checkbox"/>  |
|   |   |  | A.I.U.<br>S.I.U.   | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED          |
|   |   |  | TIME ASSIGNED      | ON SCENE  |
|   |   |  | COMPLETED          |   |

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The firearm belonging to Deputy Bailiff KENYON JONES was inspected on scene and was confiscated. It was determined that JONES fired one round from his service weapon. Photographs were taken of Deputy JONES and his firearm.

Deputy Bailiff PAUL MARKS was interviewed on scene by Det. Kellums # 1020 in the presence of IA Sgt. JASON YOUNG and CPPA President JEFFERY FOLLMER # 654. Deputy MARKS service weapon was photographed and inspected on scene at which time it was determined that he did not fire his service weapon. Photographs were taken of Deputy MARKS and his service weapon.

Deputy Bailiff MARKS states that they responded to 1940 West 96<sup>th</sup> Street to execute an eviction notice to Apartment # 2, ZACHERY EDWARDS. They notified WILLIAM SHEPHERD, Maintenance Worker, at which time SHEPHERD provided MARKS with keys to apartment # 2.

Deputy Bailiff MARKS, Deputy Bailiff JONES and the maintenance worker SHEPARD attempted to make entry into apartment # 2 with the keys. They were unable to gain entry due to someone on the other side of the door was holding the lock preventing it from turning.

Maintenance worker SHEPHERD left and returned a short time later with several tools in order to make entry. SHEPHERD drilled and forcibly removed the lock in order to gain entry into the door to apartment # 2. MARKS states that SHEPHERD pushed on the door which opened the door.

MARKS states that once the door is opened, he was met by ZACHERY EDWARDS. MARKS states that EDWARDS is armed with what he believed to be an axe. At this time according to MARKS, "all hell broke loose" as EDWARDS began swinging the axe at MARKS and the maintenance worker SHEPHERD.

**INVESTIGATING OFFICERS**

Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011

PLATOON

1<sup>st</sup>

CAR

8186-S

APPROVED BY



WEATHER

CLEAR  
 CLOUDY

RAIN  
 SNOW

TEMP \_\_\_\_\_

WIND - \_\_\_\_\_

A.L.U.  
 S.L.U.

REQUESTED ON SCENE  
 NOT REQUESTED

ASSIGNMENT RECEIVED FROM:

RADIO  DISTRICT  Det. Bur.

TIME ASSIGNED

COMPLETED



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|--|---|--------------------------------|--------------------|-----------------|------------------|-----|
| VICTIM<br><b>Paul Marks</b>                                      | ADDRESS<br><b>1200 Ontario Street</b>         | PHONE                          | AGE<br><b>53</b>   | SEX<br><b>M</b> | RACE<br><b>W</b> | M-S |
| ADDRESS OF OCCURRENCE<br><b>1940 West 96<sup>th</sup> Street</b> | TYPE OF PLACE<br><b>Hallway</b>               |                                | ZONE<br><b>1-6</b> |                 |                  |     |
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## ORIGINAL INVESTIGATION

U.D.F.I.T. # 22-01

MARKS states that EDWARDS has the axe up over his head when he swings the axe down at the then from over his shoulder. MARKS believes that he pulls SHEPHERD away but he was unsure how he was able to pull him away from the axe. MARKS states that he blocked one of the hits in what he described as a "glancing blow".

MARKS states that he repeatedly told the male to "Put it down, put it down!" AT this time EDWARDS lunged to his left as if he was trying to get past him at which time he grabbed EDWARDS jacket in an attempt to control EDWARDS.

MARKS states that "it all happened so damn quick". MARKS states that he was now off balance and EDWARDS had him pinned against the wall while EDWARDS was still swinging the axe. At this time, MARKS hears a single gunshot fired and EDWARDS fell to the ground. MARKS immediately kicks the weapon from EDWARDS hand.

MARKS then began to render first aid to EDWARDS. MARKS contacts his main office via radio to request EMS.

MARKS states that he felt lucky that he wasn't "Clocked in the head!" and killed by EDWARDS. MARKS further states that while he was pinned up against the wall he was able to draw his service weapon but he was unable to use it.

MARKS was treated on scene by EMS Medic # 42 but was not transported to the hospital.

WILLIAM SHEPHERD, the Maintenance worker, was photographed and interviewed on scene by Det. Borden # 43.

SHEPHERD states that he was contacted by the property manager AMBER FAIR to assist the Cleveland Housing Court Bailiff's with an eviction notice to ZACHERY EDWARDS who resides in apartment # 2.

**INVESTIGATING OFFICERS**

Diaz # 1001, Bauhof # 17637, Kellums # 1020 & Gonzalez # 1011

PLATOON

1<sup>st</sup>.

CAR

8186-S

APPROVED BY



WEATHER

CLEAR  
 CLOUDY

RAIN  
 SNOW

TEMP

WIND -

A.I.U.  
 S.I.U.

REQUESTED ON SCENE  
 NOT REQUESTED

ASSIGNMENT RECEIVED FROM:

RADIO      DISTRICT Det. Bur.    

TIME ASSIGNED  
COMPLETED

# SUPPLEMENTARY REPORT

Cleveland Division of Police

COMPLAINT NO.

DATE OF THIS REPORT : January 28, 2022

2022-0243867

**SUBJECT: Felonious Assault On Peace Officer On Duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by Death**

|  |   |       |                                |                 |                  |     |
|--|---|-------|--------------------------------|-----------------|------------------|-----|
| VICTIM<br><b>Paul Marks</b>                                      | ADDRESS<br><b>1200 Ontario Street</b>         | PHONE | AGE<br><b>53</b>               | SEX<br><b>M</b> | RACE<br><b>W</b> | M-S |
| ADDRESS OF OCCURRENCE<br><b>1940 West 96<sup>th</sup> Street</b> | TYPE OF PLACE<br><b>Hallway</b>               |       | ZONE<br><b>1-6</b>             |                 |                  |     |
| TIME OF OCCURRENCE<br><b>Approximately 1125 Hours</b>            | DATE OF OCCURRENCE<br><b>January 27, 2022</b> |       | DAY OF WEEK<br><b>Thursday</b> |                 |                  |     |

Page 10 of 10

## ORIGINAL INVESTIGATION

U.D.F.I.T. # 22-01

SHEPHERD states that he goes to apartment # 2 along with the Cleveland Housing Court Bailiffs and they knock at the door. The CHCB announce that they were CHCB with an eviction notice. SHEPHERD states that the CHCB attempted to unlock the door with the keys but EDWARDS was holding the lock and was not allowing them to open the door.

CHCB PAUL MARKS walks outside around the back of the apartment building and knocked on the apartment window. MARKS does not get a response and he returns back inside and they knock at the door to apartment # 2 again. SHEPHERD states that CHCB contact their supervisor and they receive permission for SHEPHERD to drill the apartment door lock.

SHEPHERD drilled the dead bolt lock and used a hammer to bust the lock off the door. SHEPHERD believes that EDWARDS moved away from the door because the door swings open.

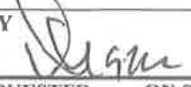
SHEPHERD then observes EDWARDS pick up a table leg. SHEPHERD states that EDWARDS came at him with the wooden table leg and EDWARDS struck SHEPHERD in the left shoulder. SHEPHERD is also struck on the back of his left arm.

At this time, CHCB were pulling SHEPHERD away from the door and positioning themselves in between SHEPHERD and EDWARDS. SHEPHERD states that EDWARDS continued to come after him with the wooden table leg.

SHEPHERD began to retreat when he heard a single gunshot fired. SHEPHERD did not see who did the shooting.

A copy of the eviction notice will be attached with this report.

I sent a request to Dr. Butt for the submission of evidence to the CCME.

|  |                                  |                      |  |  |          |
|--|----------------------------------|----------------------|--|--|----------|
| INVESTIGATING OFFICERS<br><b>Diaz # 1001, Bauhof # 17637, Kellums # 1020 &amp; Gonzalez # 1011</b>   | PLATOON<br><b>1<sup>st</sup></b> | CAR<br><b>8186-S</b> | APPROVED BY<br> |  |          |
| WEATHER<br><input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY<br><input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP _____                       | WIND - _____         | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U.                                   | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED | ON SCENE |
| ASSIGNMENT RECEIVED FROM:<br>RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/>  | TIME ASSIGNED<br>COMPLETED       |                      |  |  |          |

WRIT OF RESTITUTION

Case No. 2021 CVG 009040

Writ No.: 3297962

THE STATE OF OHIO
COUNTY OF CUYAHOGA} s.s. TO THE BAILIFF OF THE CLEVELAND MUNICIPAL COURT - GREETINGS:
CITY OF CLEVELAND

WHEREAS, in certain action for the forcible detention of the following described premises, Situated in the City of Cleveland,
County of Cuyahoga and State of Ohio and known as

1940 W 96TH ST APT 2
CLEVELAND, OH 44102

Together with the Lot of Land on which said property is situated, lately tried before our
Cleveland Municipal Court wherein ACIP W96 LLC plaintiff and ZACHERY EDWARDS defendant

Judgment was rendered
1/24/22

YOU ARE THEREFORE HEREBY COMMANDED to cause the Defendant to be forthwith removed from said
premises, and the said Plaintiff to have restitution of the same; also, that you levy of the goods and chattels of said
Defendant, and make the costs aforesaid, and all accruing costs.

And of this Writ make legal service and due return,

WITNESS MY HAND AND SEAL, This day of 1/25/2022
EARLE B. TURNER, Clerk

MOVE OUT SCHEDULED:
January 27, 2022



Handwritten signature of Earle B. Turner

By: Deputy Clerk

THE STATE OF OHIO
COUNTY OF CUYAHOGA} s.s.
CITY OF CLEVELAND

Received this Writ \_\_\_\_\_ and by virtue of its orders I

BAILIFF'S FEES

Service and return \_\_\_\_\_
Assistance \_\_\_\_\_
Storage \_\_\_\_\_
Total \_\_\_\_\_

Stephanie Hall, Chief
Bailiff

Plaintiff's Name: ACIP W96 LLC

Plaintiff's Attorney: EDWARD F KASPUTIS ESQ
Phone: (440)-891-9035

By \_\_\_\_\_ Deputy Bailiff

**2021 CVG 009040 ACIP W96 LLC -VS- EDWARDS, ZACHERY ADMINH**

|                     |                       |                    |                       |
|---------------------|-----------------------|--------------------|-----------------------|
| <b>Case Type</b>    | CVG - LANDLORD/TENANT | <b>Action:</b>     | EVICTON - 1 DEFENDANT |
| <b>Case Status:</b> | OPEN                  |                    |                       |
| <b>File Date:</b>   | 09/08/2021            |                    |                       |
|                     |                       | <b>Next Event:</b> |                       |

|                 |       |       |        |           |         |             |                   |
|-----------------|-------|-------|--------|-----------|---------|-------------|-------------------|
| All Information | Party | Event | Docket | Financial | Receipt | Disposition | Additional Fields |
|-----------------|-------|-------|--------|-----------|---------|-------------|-------------------|

| Docket Information |  |             |
|--------------------|--|-------------|
| Date               | Docket Text  | Amount Owed |
| 09/08/2021         | BACK FILED IMAGES  |             |
| 09/08/2021         | EVICTON COMPLAINT FILED BY ACIP W96 LLC (PLAINTIFF); ; EDWARD F KASPUTIS ESQ (Attorney) on behalf of ACIP W96 LLC (PLAINTIFF) Receipt: 3277363 Date: 09/08/2021  | \$110.00    |
| 09/08/2021         | FIRST CAUSE HEARING<br>Event: ATTY FIRST CAUSE HEARING<br>Date: 10/06/2021 Time: 9:00 am<br>Judge: HOUSING MAGISTRATE 3A Location: 3RD FLOOR COURTROOM A / OR VIRTUAL HEARING<br><br>Result: HEARD & SUBMITTED   |             |
| 09/08/2021         | EVICTON HEARING INFORMATION PROVIDED TO PLAINTIFF/ATTORNEY<br><br>CMS- (F) EVICTON HEARING NOTICE<br>Sent on: 09/08/2021 14:29:27.10   |             |
| 09/09/2021         | CERTIFIED MAIL ISSUED TO ON<br>Issue Date: 09/09/2021<br>Service: COMP & FORCIBLE ENTRY AND DETAINER<br>Method: (CV) ELECTRONIC CERTIFIED MAIL<br>Cost Per: \$<br><br>EDWARDS, ZACHERY<br>1940 W 96TH ST APT 2<br>CLEVELAND, OH 44102<br>Tracking No: 9171901552070912681114 |             |
| 09/09/2021         | CIVIL SUMMONS ISSUED<br><br>INTAKE- (N) CIVIL SUMMONS FORCIBLE ENT & DETAINER<br>Sent on: 09/09/2021 13:38:41.97   |             |
| 09/09/2021         | REGULAR MAIL ISSUED<br>Issue Date: 09/09/2021<br>Service: COMP & FORCIBLE ENTRY AND DETAINER<br>Method: (CV) REGULAR MAIL<br>Cost Per: \$<br><br>EDWARDS, ZACHERY<br>1940 W 96TH ST APT 2<br>CLEVELAND, OH 44102<br>Tracking No: R000178989                                  |             |
| 09/09/2021         | CIVIL SUMMONS ISSUED<br>INTAKE- (N) CIVIL SUMMONS FORCIBLE ENT & DETAINER<br>Sent on: 09/09/2021 13:43:07.51   |             |

| Date       | Docket Text  | Amount Owed |
|------------|--|-------------|
| 09/09/2021 | MOTION FOR TEMPORARY RESTRAINING ORDER FILED WITH CLERK BY:<br>Attorney: KASPUTIS ESQ, EDWARD F (39689)<br>ACIP W96 LLC (PLAINTIFF); ; EDWARD F KASPUTIS ESQ (Attorney) on behalf of ACIP W96 LLC (PLAINTIFF) Receipt: 3277636 Date: 09/09/2021  | \$15.00     |
| 09/14/2021 | MAGISTRATE'S ORDER. THIS MATTER COMES BEFORE THE COURT ON PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF. PLAINTIFF'S MOTION IS HELD IN ABEYANCE AND WILL BE ENTERTAINED AT THE FIRST CAUSE HEARING, WHICH IS CURRENTLY SET FOR OCTOBER 6, 2021 AT 9:00 AM.  |             |
| 09/30/2021 | UNCLAIMED<br>Method : (CV) ELECTRONIC CERTIFIED MAIL<br>Issued : 09/09/2021<br>Service : COMP & FORCIBLE ENTRY AND DETAINER<br>Served : 09/27/2021<br>Return : 09/30/2021<br>On : EDWARDS, ZACHERY<br>Signed By :<br><br>Reason : UNCLAIMED<br>Comment :<br><br>Tracking #: 9171901552070912681114   |             |
| 10/06/2021 | WRIT OF RESTITUION FILED WITH CLERK<br>ACIP W96 LLC (PLAINTIFF); ; EDWARD F KASPUTIS ESQ (Attorney) on behalf of ACIP W96 LLC (PLAINTIFF) Receipt: 3282874 Date: 10/06/2021  | \$15.00     |
| 10/06/2021 | MOVE OUT SET BY HOUSING BAILIFF<br>Event: WEST-MOVE OUT SCHEDULED<br>Date: 10/19/2021 Time: 9:00 am<br>Judge: MOVE OUT BAILIFF Location: MOVE OUT LOCATION<br><br>Result: MOVE OUT CANCELLED PER JUDGE/MAGISTRATE ORDER  |             |
| 10/15/2021 | MAGISTRATE DECISION FILED.   |             |
| 10/15/2021 | JUDGMENT ENTRY. THIS MATTER IS REMANDED TO THE MAGISTRATE FOR ADDITIONAL FINDINGS. PLAINTIFF TO SUBMIT EVIDENCE OF LEAD SAFE CERTIFICATION FOR THE REMAINING UNITS WITHIN THE COMPLEX. FAILURE TO DO SO WITHIN 14 DAYS OF THIS COURT'S ORDER MAY RESULT IN DISMISSAL. THE EVICTION SCHEDULED FOR OCTOBER 19, 2021 IS HEREBY CANCELLED. THE UNDERLYING ACTION HAS NOT BEEN APPROVED AND CONFIRMED BY THE COURT. |             |
| 12/14/2021 | PLAINTIFF'S FILING OF LEAD SAFE CERTIFICATION FILED BY:<br>EDWARD F KASPUTIS ESQ (Attorney) on behalf of ACIP W96 LLC (PLAINTIFF)  |             |
| 12/29/2021 | FIRST CAUSE HEARING<br>Event: ATTY FIRST CAUSE HEARING<br>Date: 01/12/2022 Time: 9:00 am<br>Judge: HOUSING MAGISTRATE 3A Location: 3RD FLOOR COURTROOM A / OR VIRTUAL HEARING<br><br>Result: JE ADOPTING THE REPORT OF THE MAGISTRATE  |             |
| 01/03/2022 | BY ORDER OF THE COURT, THIS MATTER IS SET FOR A SUPPLEMENTAL FIRST CAUSE EVICTION HEARING ON 1/12/22 AT 9AM. YOU ARE HEREBY ORDERED TO CONTACT THE HOUSING DIVISION BY EMAIL AT HOUSINGCOURTCIVIL@CMCOH.ORG, AT LEAST 7 DAYS PRIOR TO YOUR HEARING DATE, TO SUBMIT A VALID EMAIL ADDRESS AND VALID TELEPHONE NUMBER. PLEASE PUT YOUR CASE NUMBER IN THE SUBJECT LINE OF YOUR EMAIL.                            |             |
| 01/13/2022 | WRIT OF RESTITUION FILED WITH CLERK<br>ACIP W96 LLC (PLAINTIFF); ; EDWARD F KASPUTIS ESQ (Attorney) on behalf of ACIP W96 LLC (PLAINTIFF) Receipt: 3297962 Date: 01/13/2022  | \$15.00     |
| 01/13/2022 | MOVE OUT SET BY HOUSING BAILIFF<br>Event: WEST-MOVE OUT SCHEDULED<br>Date: 01/27/2022 Time: 9:00 am<br>Judge: MOVE OUT BAILIFF Location: MOVE OUT LOCATION   |             |
| 01/24/2022 |  |             |

| Date       | Docket Text   | Amount Owed |
|------------|---|-------------|
|            | MAGISTRATES REPORT APPROVED AND CONFIRMED. JUDGMENT FOR PLTF ON 1ST CAUSE OF ACTION. WRIT TO ISSUE. PLAINTIFF MAY SCHEDULE A COURT SUPERVISED MOVE OUT. |             |
| 01/24/2022 | MAGISTRATE DECISION FILED.  |             |
| 01/24/2022 | NO MOVE OUT UNTIL: 1/26/22  |             |
| 01/25/2022 | REGULAR MAIL ISSUED<br>Issue Date: 01/25/2022<br>Service: FINAL APPEALABLE ORDER ISSUED<br>Method: (CV) FINAL APPEALABLE REGULAR MAIL<br>Cost Per: \$   |             |
|            | ACIP W96 LLC<br>c/o ATTY: KASPUTIS ESQ, EDWARD F<br>6801 ENGLE ROAD<br>SUITE I<br>MIDDLEBURG HEIGHTS, OH 44130<br>Tracking No: R000188936               |             |
|            | EDWARDS, ZACHERY<br>1940 W 96TH ST APT 2<br>CLEVELAND, OH 44102<br>Tracking No: R000188937  |             |
| 01/25/2022 | NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED.  |             |
|            | CMS- (N) FINAL APPEALABLE ORDER NOTICE<br>Sent on: 01/25/2022 09:50:21.13   |             |
| 01/25/2022 | PRECIPE FILED AND WRIT OF RESTITUTION NO. 3297962 ISSUED AGAINST DEFENDANT  |             |
|            | CMS- (F) WRIT OF RESTITUTION ISSUED<br>Sent on: 01/25/2022 12:43:50.83  |             |

**CLEVELAND MUNICIPAL HOUSING COURT**

4/1 1/25  
2021 CVG 009040  
**WEST-MOVE OUT SCHEDULED: 01/27/2022**  
Plf: ACIP W96 LLC  
Atty: EDWARD F KASPUTIS ESQ  
Phone: (440)-891-9035 (440)-465-1939  
Vs-

Defn: ZACHERY EDWARDS  
Eviction Address: 1940 W 96TH ST APT 2  
CLEVELAND, OH 44102

1030/~~TH~~ THOMPSON ✓ *EW*

Children (No.) \_\_\_\_\_

Adult (No.) \_\_\_\_\_

Date Moved \_\_\_\_\_

Movers (Name) \_\_\_\_\_

No. Men \_\_\_\_\_

No. of Hours \_\_\_\_\_

Amount

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Atty. \_\_\_\_\_

Atty. \_\_\_\_\_ Tel. No. \_\_\_\_\_

Atty's. Address \_\_\_\_\_

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |                                |                    |                 |                    |            |
|--|---|--------------------------------|--------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b>                   | <b>AGE</b><br>53   | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |                                | <b>ZONE</b><br>1-6 |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  | <b>DAY OF WEEK</b><br>THURSDAY |                    |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

Page 1 of 3

**ASSIGNMENT:**

On Thursday, January 27, 2022 at approximately 1217 hours, I received a call-up to respond to the address of 1940 W96th St., Apt. #2, Cleveland, in connection with a male shot by a Cleveland Housing Court Bailiff.

Detectives Bauhof #1637, Diaz #1001, Kellums #1020 and I responded to the scene to begin our initial investigation.

**INVOLVED  
OFFICER #1:**

**KENYON ALLEN JONES, B/M/32**  
DOB: 11/30/1989 SS# [REDACTED]  
1200 Ontario St.  
Cleveland, OH 44113  
Ph#216-244-9348

**Agency: Cleveland Housing Court – Bailiff Department**  
**Assignment: Bailiff                      Date of Appointment: 09-24-2016**

S.I.U Detectives took a series of photographs of the victim, the final state of his firearm and ammunition; to include each magazine on his person at the time of the incident.

**INVOLVED  
OFFICER #1  
ATTIRE:**

Bailiff Jones was in full uniform with an outer vest carrier and badge. He wore a duty belt with a firearm, holster, radio, pepper spray, and additional two magazines.

**INVESTIGATING OFFICERS**

Det. M. Legg / R. Diaz / D. Borden / T. Powell

PLATOON  
1<sup>st</sup>

CAR  
8187

APPROVED BY

WEATHER  CLEAR  RAIN  WIND -  A.I.U.  REQUESTED  ON SCENE  
 CLOUDY  SNOW  S.I.U.  NOT REQUESTED

ASSIGNMENT RECEIVED FROM:

RADIO  DISTRICT Det. Bur.

TIME ASSIGNED  
COMPLETED



**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |                                       |   |                  |                                |                    |            |
|--|---------------------------------------|---|------------------|--------------------------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET | <b>PHONE</b>                                  | <b>AGE</b><br>53 | <b>SEX</b><br>M                | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET |                                       | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |                  | <b>ZONE</b><br>1-6             |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             |                                       | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |                  | <b>DAY OF WEEK</b><br>THURSDAY |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

Page 2 of 3

**INVOLVED  
OFFICER #1  
WEAPON:**

**Glock 17, 9mm  
Serial #BAGR489**

The firearm consisted of one (17) round magazine seated in the weapon.

Inspection of the firearm revealed:

- (1) 9mm round in the chamber
- (16) 9mm rounds in the magazine

Additional Magazines:

- (1) 17 round magazine. Inspection of the magazine revealed a total of (17) 9mm rounds.
- (1) 17 round magazine. Inspection of the magazine revealed a total of (17) 9mm rounds.

No secondary weapons were located/observed.

The firearm was collected as evidence and entered into LERMS (Pg 110 Ln 18)

Further investigation pending.

*[Handwritten Signature]* 10/1

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|  |   |  |                                   |                                       |  |
|--|---|--|-----------------------------------|---------------------------------------|--|
| <b>ESTIGATING OFFICERS</b><br>Det. M. Legg / R. Diaz / D. Borden / T. Powell |   |  | <b>PLATOON</b><br>1 <sup>st</sup> | <b>CAR</b><br>8187                    | <b>APPROVED BY</b><br><i>[Signature]</i>                           |
| <b>WEATHER</b>   | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | <b>TEMP</b> _____                 | <input type="checkbox"/> WIND - _____ | <input type="checkbox"/> A.L.U.<br><input type="checkbox"/> S.L.U. |
| <b>ASSIGNMENT RECEIVED FROM:</b>   |   |  | <b>TIME ASSIGNED</b>              |                                       |  |
| <input type="checkbox"/> RADIO   | <input type="checkbox"/> DISTRICT                                 | <input type="checkbox"/> Det. Bur.                             | <b>COMPLETED</b>                  |                                       |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE  
INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |              |                                |                 |                    |            |
|--|---|--------------|--------------------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

**ASSIGNMENT:**

On Thursday 27 January 2022, while assigned homicide car 8186 in company with Detectives Diaz #1001, Bauhof #1637, and Gonzalez #1011 we received assignment to respond to 1940 West 96 street with regards to a use of deadly force incident involving bailiff's of the Cleveland Municipal Housing court. We responded to the scene and began an initial investigation.

**INVOLVED**

**OFFICER/ VICTIM #2**

**PAUL STEVEN MARKS**  
DOB: 12/30/1966  
SSN: [REDACTED]  
1200 Ontario Street  
Cleveland, OH 44113  
216-664-6937

**AGENCY: Cleveland Municipal Housing Court**  
**ASSIGNMENT: Housing Court Deputy Bailiff**  
**DATE OF APPOINTMENT: 12/12/2012**

While on scene CSRU Detective Lascko #1854 took a series of photographs of Bailiff Marks / VICTIM#:114, the final state of his issued firearm and ammunition, to include each magazine on his person.

**INVOLVED**

**OFFICER / VICTIM #2**

**ATTIRE:**

MARKS was in full Bailiff Uniform consisting of blue uniform shirt with patches identifying him as a "Cleveland Housing Court Deputy Bailiff and blue uniform trousers. MARKS wore an external vest carrier with his badge and name tape affixed

Page 1 of 3

INVESTIGATING OFFICERS *L. Kelly #1020* PLATOON 1<sup>st</sup> CAR 8187 APPROVED BY *[Signature]*  
 Det. M. Legg / R. Diaz / D. Borden / T. Powell

WEATHER  CLEAR  RAIN  CLOUDY  SNOW TEMP  WIND -  A.I.U.  S.I.U. REQUESTED  ON SCENE NOT REQUESTED

ASSIGNMENT RECEIVED FROM: RADIO  DISTRICT Det. Bur.  TIME ASSIGNED COMPLETED

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |              |                                |                 |                    |            |
|--|---|--------------|--------------------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                    |            |

**ORIGINAL INVESTIGATION**

F.I.T. - 22-01

to it. MARKS wore a duty belt with holster for Glock 17, (2) additional magazines and pepper spray. MARKS also carried a pocket knife in his right trouser pocket.

**INVOLVED**

**OFFICER / VICTIM #2**

**WEAPON:**

MARKS carried a Glock Model 17 semi-automatic pistol (serial #: BAGR485)

Upon inspection of this firearm it was found to have (1) 9mm round loaded in the chamber as well as, (17) 9mm rounds loaded in the inserted magazine

Inspection of the additional (2) magazines revealed that both were loaded with (17) 9mm rounds.

**INTERVIEW**

**INVOLVED**

**OFFICER / VICTIM #2**

While on scene I had occasion to interview Bailiff Paul Marks / VICTIM#:114 in company with Internal Affairs Sgt. Jayson Young #9181 and CPPA President Jeffery Follmer #654. That interview was video and audio recorded on wearable camera system (WCS), below is a summary of that interview.

MARKS identifies himself and stated he is a deputy bailiff employed by the city of Cleveland housing court. MARKS stated that he reported for roll call at 0830 where he was given his assignments for the day which included executing on orders of eviction. MARKS stated that he had one prior assignment at 955 West St. Clair Ave before arriving at 1940 West 96 to execute an eviction.

MARKS stated that he and his partner Deputy Bailiff KENYON JONES arrived on scene at approximately 1040 hours to execute in eviction in apartment / VICTIM#:1. MARKS stated as a matter of protocol they made contact with a representative of the building management, in this case a maintenance employee, WILLIAM RAY

Page 2 of 3

*Det. M. Legg #1020*

**INVESTIGATING OFFICERS** **PLATOON** **CAR** **APPROVED BY**  
 Det. M. Legg / R. Diaz / D. Borden / T. Powell 1<sup>st</sup> 8187 *[Signature]*

**WEATHER**  CLEAR  RAIN  SNOW  CLOUDY  TEMP \_\_\_\_\_  WIND - \_\_\_\_\_  A.I.U.  S.I.U.  REQUESTED  ON SCENE  NOT REQUESTED

**ASSIGNMENT RECEIVED FROM:** **TIME ASSIGNED**  
 RADIO  DISTRICT Det. Bur.  \_\_\_\_\_ **COMPLETED**

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |                                |                    |                 |                    |            |
|--|---|--------------------------------|--------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b>                   | <b>AGE</b><br>53   | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |                                | <b>ZONE</b><br>1-6 |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  | <b>DAY OF WEEK</b><br>THURSDAY |                    |                 |                    |            |

**ORIGINAL INVESTIGATION**

**F.I.T. - 22-01**

SHEHERD. SHEPERD provided MARKS keys to the apartment and in company with JONES they attempted to make entry.

MARKS stated that they were unable to make entry due to someone on the other side of the door holding the lock preventing it from turning. MARKS stated at this point SHEPHERD left and returned a short time later with several tools in order to make entry. MARKS stated that SHEPHERD drilled and forcedly removed the lock in order to gain entry to the door. MARKS stated that SHEPHERD pushed on the door to open it

MARKS stated that once the door was open he was met by a black male, twenty to thirty years of age, thin build approximately 5'8''-5'9'' tall armed with what he believed to be an axe. MARKS stated "all hell broke loose" as the male began swinging the axe at himself and SHEPHERD. MARKS stated that the male swung the axe down at them from over his shoulder. MARKS believes he pulled SHEPHERD back but was unsure how. MARKS stated he blocked one of the hits in what he described as a "glancing blow." MARKS stated that he repeatedly told the male to "put it down, put it down." MARKS stated that the male lunged to his left as if to get past him at which point he grabbed his jacket in an attempt to control the male. MARKS stated that "it all happened so damn quick." MARKS stated that he was off balance and the male had pinned him against the wall while continuing to swing the axe. MARKS stated at this point he heard a single gunshot and the male fell to the ground. MARKS stated that he kicked the weapon from the male's hand, and began rendering aide. MARKS stated that he called his main office via radio to request EMS. MARKS stated that he felt lucky that he wasn't "clocked in the head" and killed by the male. MARKS stated that while he was pinned to the wall he was able to draw his weapon but unable to use it.

MARKS was treated but not transported by CMES #42 on scene.

**FURTHER INVESTIGATION PENDING**

*Diaz #1020*

ESTIGATING OFFICERS: Det. M. Legg / R. Diaz / D. Borden / T. Powell      PLATOON: 1<sup>st</sup>      CAR: 8187      APPROVED BY: *[Signature]*      Page 3 of 3

WEATHER:  CLEAR     CLOUDY     RAIN     SNOW    TEMP:         WIND:          A.I.U.     S.I.U.    REQUESTED ON SCENE:  NOT REQUESTED

ASSIGNMENT RECEIVED FROM:           TIME ASSIGNED:           COMPLETED:     

RADIO     DISTRICT Det. Bur.

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

| VICTIM:                        | ADDRESS               | PHONE       | AGE | SEX | RACE | M/S |
|--------------------------------|-----------------------|-------------|-----|-----|------|-----|
| PAUL MARKS                     | 1200 ONTARIO CLEV, OH |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE          | TYPE OF PLACE         | ZONE        |     |     |      |     |
| 1940 W 96 <sup>TH</sup> STREET | APT. BUILDING HALLWAY | 1-6         |     |     |      |     |
| TIME OF OCCURRENCE             | DATE OF OCCURRENCE    | DAY OF WEEK |     |     |      |     |
| APPROXIMATELY 1125HRS          | JANUARY 27 2022       | THURSDAY    |     |     |      |     |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

Page 1 of 2

**ASSIGNMENT:** On Thursday, January 27, 2022 I assisted Detective Legg in connection with an UDFIT that occurred at 1940 W.96 St. An unknown male with a GSW was transported to Metro Hospital in connection with this incident. Det Fischbach and I responded to Metro Hospital to gather further information.

**HOSPITAL:** MetroHealth Hospital  
2500 Metrohealth Dr.  
Cleveland, Ohio



Zachery Edwards Jr. was pronounced deceased at 1214 hrs by **Dr. Marissa Koning**.

**NOTIFICATION:** Notification was made to Zachery Edwards Sr. at Metro. Mr. Edwards identified his son in person in the presence of Detective Cramer.

Contact phone #: 216-294-8050

**SUSPECT:** Zachery Edwards Jr.  
1940 W.96 Apt 2  
Cleveland, Ohio  
DOB: 11/23/85  
SS: [REDACTED]  
Phone: 216-772-5220

**SUSPECT INJURIES:** GSW to the left side top of the head and rear of head.

|  |                   |   |  |   |
|--|-------------------|---|--|---|
|  #346<br><b>INVESTIGATING OFFICERS</b><br>Det. M. Legg / R. Diaz / D. Borden / T. Powell |                   | <b>PLATOON</b><br>1 <sup>st</sup>                 | <b>CAR</b><br>8187   | <b>APPROVED BY</b><br> |
| <b>WEATHER</b><br><input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY<br><input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW                      | <b>TEMP</b> _____ | <input type="checkbox"/> WIND - _____             | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED                                |
| <b>ASSIGNMENT RECEIVED FROM:</b><br><input type="checkbox"/> RADIO<br><input type="checkbox"/> DISTRICT Det. Bur.  |                   | <b>TIME ASSIGNED</b><br>_____<br><b>COMPLETED</b> |  |   |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |              |                                |                 |                  |            |
|--|---|--------------|--------------------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO CLEV, OH       | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                  |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

Page 2 of 2

**EVIDENCE:** PG 110 / LN 21 black Samsung phone  
PG 110 / LN 22 keys found in possession of Zachery Edwards

This evidence was collected from Zachery Edwards Jr. clothing at Metro.

**INTERVIEW:** I interviewed Zachery Edwards Sr. at Metro. Mr. Edwards identified his son's body confirming that the unknown male was Zachery Edwards Jr. Mr. Edwards stated that his son had mental health problems. I asked Mr. Edwards if he knew what his diagnosis was and he stated that Edwards Jr. was never officially diagnosed. Mr. Edwards stated that Edwards Jr. threatened to kill him recently. He stated that Edwards Jr. became angry and tried to attack him but another family member stepped in and began wrestling with Edwards Jr.

We informed Mr. Edwards that Edwards Jr. was being evicted when he attacked a bailiff with a pole. Mr. Edwards stated that he was not surprised that "something like this happened". He further stated that his son did not listen to anyone and acted like a tuff guy. Mr. Edwards thought that his son would be killed on the streets for talking tuff to the wrong person.

Mr. Edwards stated that his daughter also found it difficult to be around Edwards Jr. and had recently told him that she was done dealing with Edwards Jr.

**THIS CRIME TO BE FURTHER INVESTIGATED**

INVESTIGATING OFFICERS Det. M. Legg / R. Diaz / D. Borden / T. Powell #346

PLATOON 1<sup>st</sup> CAR 8187 APPROVED BY [Signature]

WEATHER  CLEAR  RAIN  SNOW  CLOUDY  TEMP  WIND -  A.I.U.  S.I.U.  REQUESTED  ON SCENE  NOT REQUESTED

ASSIGNMENT RECEIVED FROM:  RADIO  DISTRICT Det. Bur.

TIME ASSIGNED  COMPLETED

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOMICIDE 2022-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |                                |                    |                 |                    |            |
|--|---|--------------------------------|--------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1940 W 96 <sup>TH</sup> STREET APT. 2 | <b>PHONE</b>                   | <b>AGE</b><br>36   | <b>SEX</b><br>M | <b>RACE</b><br>BLK | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY           |                                | <b>ZONE</b><br>1-6 |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022            | <b>DAY OF WEEK</b><br>THURSDAY |                    |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. 2022-01**

Page 1 of 2

**ASSIGNMENT:**

On Thursday, January 27, 2022, while off duty, I received a phone call from Lt. Brown to respond to 1940 W.96<sup>th</sup> for an officer involved shooting. A FIT Call up initiated in connection with Officer involved shooting. EMS transporting Suspect to METRO "CAD 22-024387."

I then conferred with Sgt. Reese whom directed Detective Legg, Hudson and myself go to the scene.

**SUSPECT  
MORGUE:**

On Friday January 27, 2022, Edwards was transported to the CCMEO by Esposito Mortuary Services Attendant Perez. Edwards was accepted by CCMEO Morgue Technician Legal at 1810 hours. CCMEO number IN2022-00237



The Autopsy will be conducted by Doctor Wrice.

Edwards measured: Height 65" weight 122 pounds.

Edwards had brown hair and beard. Teeth were fair up and down.

**Edwards's Clothing-**

- 2 Pair Blue Pants
- White Socks
- Black Shirt
- Multi Colored Jacket
- Black Sweatshirt

|  |  |  |                  |  |
|--|--|--|------------------|--|
| <br>INVESTIGATING OFFICERS<br>Det.'s Schultz/ M. Legg / Z. Hedson/ S.Loomis |  | PLATOON<br>1 <sup>st</sup>                                     | CAR<br>8187      | APPROVED BY<br> |
| WEATHER  | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY          | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP _____       | WIND - _____   |
| ASSIGNMENT RECEIVED FROM:  | RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/> |  | A.I.U.<br>S.I.U. | REQUESTED <input type="checkbox"/> ON SCENE<br>NOT REQUESTED <input type="checkbox"/>                |
|  |  |  | TIME ASSIGNED    | COMPLETED  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOMICIDE 2022-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE  
INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |                                |                    |                 |                    |            |
|--|---|--------------------------------|--------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1940 W 96 <sup>TH</sup> STREET APT. 2 | <b>PHONE</b>                   | <b>AGE</b><br>36   | <b>SEX</b><br>M | <b>RACE</b><br>BLK | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY           |                                | <b>ZONE</b><br>1-6 |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022            | <b>DAY OF WEEK</b><br>THURSDAY |                    |                 |                    |            |


**ORIGINAL INVESTIGATION  
F.I.T. 2022-01**

Page 2 of 2

Edwards's property –

- Neckless with a Skull Charm

**To Be Further Investigated.**

|  |   |  |   |                                       |   |
|--|---|--|---|---------------------------------------|---|
| <b>INVESTIGATING OFFICERS</b><br>Det.'s Schultz/ M. Legg / Z. Hedson/ S.Loomis |   |  | <b>PLATOON</b><br>1 <sup>st</sup>                         | <b>CAR</b><br>8187                    | <b>APPROVED BY</b><br> |
| <b>WEATHER</b>   | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | <b>TEMP</b> _____   | <input type="checkbox"/> WIND - _____ | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U.  |
| <b>ASSIGNMENT RECEIVED FROM:</b>   |   |  | <b>REQUESTED</b> <input type="checkbox"/> <b>ON SCENE</b> |                                       |   |
| <input type="checkbox"/> RADIO   | <input type="checkbox"/> DISTRICT                                 | <input type="checkbox"/> Det. Bur.                             | <b>TIME ASSIGNED</b> _____                                |                                       |   |
|  |   |  | <b>COMPLETED</b>  |                                       |   |



**SUPPLEMENTARY REPORT  
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|  |   |              |                                |                 |                    |            |
|--|---|--------------|--------------------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

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**ASSIGNMENT:**

On Thursday, January 27, 2022, while on duty and assigned to Homicide Unit Car 8188-S in the company of Detective Thelemon Powell #2062, we received an assignment from FIT OIC Lt. Maurice Brown #8523.

The assignment was a Cleveland Housing Court Bailiff was involved in a shooting at 1940 W. 96 Street, Apt #2. The male was transported to Metro Health Medical Center for treatment by EMS #24.

Cleveland Police Sgt. Justin Cajka #9245 was assigned to monitor my investigation.

Cleveland Police Sgt. Mitchell Sheehan #9130 was assigned to monitor Detective Powell #2062's investigation.

**VICTIM #3:**

**WILLIAM SHEPHERD, W/M 49 (maintenance man)  
DOB 5/15/72**



**VICTIM'S  
INJURIES #3:**

Victim #3 reports that he was struck twice by the suspect with a wooden table leg. Victim #3 reports he was struck in the left shoulder and back of his left arm.

Victim #3 had a bruise forming on his left shoulder. Victim #3 did not want medical attention and declined to have EMS look at his injuries.

CS&R Detective Tom Lascko #1854 took photos of Victim #3.

*Det. David Borchers*

|   |   |  |  |  |
|---|---|--|--|--|
| <b>INVESTIGATING OFFICERS</b><br>Det. M. Legg / R. Diaz / D. Borden / T. Powell |   | <b>PLATOON</b><br>1 <sup>st</sup>                              | <b>CAR</b><br>8187   | <b>APPROVED BY</b><br><i>[Signature]</i>                                     |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | <b>TEMP</b> _____  | <input type="checkbox"/> WIND - _____  |
| <input type="checkbox"/> RADIO  | <input type="checkbox"/> DISTRICT                                 | <input type="checkbox"/> Det. Bur.                             | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED |
| <b>ASSIGNMENT RECEIVED FROM:</b>  |   |  | <b>TIME ASSIGNED</b>   |  |
|   |   |  | <b>COMPLETED</b>   |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

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F.I.T. 22-01  
HOM: 22-10

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|  |   |              |                                |                 |                    |            |
|--|---|--------------|--------------------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

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**VICTIM  
REPORTS #3:**

Victim #3 was interviewed on scene in the laundry room. Below is a synopsis of that interview.

Victim #3 stated he is contracted by AC Investment Partners, 330-414-7090 to maintain the apartment complex.

Victim #3 stated that he was informed by the property manager Amber Fair that the suspect ZACHARY EDWARDS was being evicted today @1030 hours by the Cleveland Housing Court Bailiffs.

Victim #3 stated that he met the Cleveland Housing Court Bailiffs at the location of occurrence and gave them the keys to apartment #2

Victim #3 stated that the CHCB and he went to EDWARDS' apartment #2. Victim #3 stated the CHCB knocked on EDWARDS' apartment door. Victim #3 stated the CHCB's announced to EDWARDS "Cleveland Housing Court Bailiffs and we have an eviction notice."

Victim #3 stated the CHCB attempted to open the apartment door with the keys but EDWARDS was holding the lock. Victim #3 stated EDWARDS was not allowing the CHCB to enter the apartment.

Victim #3 stated that CHCB Marks walked outside around the back of apartment building and knocked on the apartment window.

*[Handwritten Signature]*

INVESTIGATING OFFICERS: Det. M. Legg / R. Diaz / D. Borden / T. Powell

PLATOON: 1<sup>st</sup> CAR: 8187 APPROVED BY: *[Handwritten Signature]*

WEATHER:  CLEAR  CLOUDY  RAIN  SNOW TEMP:  WIND:  A.I.U.  S.I.U. REQUESTED  ON SCENE NOT REQUESTED

ASSIGNMENT RECEIVED FROM: RADIO  DISTRICT Det. Bur.  TIME ASSIGNED: \_\_\_\_\_ COMPLETED

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

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| VICTIM:                        | ADDRESS               | PHONE       | AGE | SEX | RACE | M/S |
|--------------------------------|-----------------------|-------------|-----|-----|------|-----|
| PAUL MARKS                     | 1200 ONTARIO STREET   |             | 53  | M   | WHT  |     |
| ADDRESS OF OCCURRENCE          | TYPE OF PLACE         | ZONE        |     |     |      |     |
| 1940 W 96 <sup>TH</sup> STREET | APT. BUILDING HALLWAY | 1-6         |     |     |      |     |
| TIME OF OCCURRENCE             | DATE OF OCCURRENCE    | DAY OF WEEK |     |     |      |     |
| APPROXIMATELY 1125HRS          | JANUARY 27 2022       | THURSDAY    |     |     |      |     |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

Page 3 of 7

Victim #3 stated that CHCB Marks came back into the apartment building and they attempted to make contact with EDWARDS again. Victim #3 states CHCB's were unsuccessful.

Victim #3 stated that the CHCB's called their supervisor and received permission for Victim #3 to drill the apartment door locks.

Victim #3 stated he drilled the dead bolt lock and used a hammer to bust the lock off the door.

Victim #3 stated EDWARDS must have moved away from the apartment door because the door swung open. Victim #3 stated he saw EDWARDS pick up a table leg.


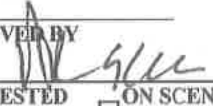
Victim #3 stated EDWARDS came at him with the table leg and he was struck on the left shoulder. Victim #3 stated he was also struck on the back of the left arm.

Victim #3 stated the CHCB were pulling him back and positioning themselves between him (victim #3) and EDWARDS. Victim #3 stated EDWARDS continued to come after him with the wooden table leg.

Victim #3 stated as he was retreating towards the parking lot he heard the CHCB yelling at EDWARDS to put down the table leg.

Victim #3 stated as he was retreating he heard a single gunshot. Victim #3 stated he did not see who was shot or who did the shooting.

Victim #3 gave us access to the surveillance video and there was nothing of evidentiary value. The cameras did not cover the common hallway.

|  |            |                                       |  |  |
|--|------------|---------------------------------------|--|--|
| <br>INVESTIGATING OFFICERS<br>Det. M. Legg / R. Diaz / D. Borden / T. Powell |            | PLATOON<br>1 <sup>st</sup>            | CAR<br>8187  | APPROVED BY<br> |
| WEATHER<br><input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY<br><input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW                 | TEMP _____ | <input type="checkbox"/> WIND - _____ | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED                         |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO<br><input type="checkbox"/> DISTRICT Det. Bur.   |            | TIME ASSIGNED<br>COMPLETED            |  |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |              |                                |                 |                    |            |
|--|---|--------------|--------------------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

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I took a picture of the camera views and entered it into evidence.

WCS video available

**WITNESS:**

**DAVID THOMPSON, B/M 69  
DOB 2/29/52  
19406 MEDOWLARK LANE  
WARRENSVILLE HTS, OHIO  
216-406-2506**

DAVID THOMPSON was interviewed on scene in the laundry room. **Below is a synopsis of that interview.**

THOMPSON stated that he owns a moving company and is contracted by the City of Cleveland to do evictions. THOMPSON stated the name of his moving company is DL Thompson / AA1 Thompson.

THOMPSON stated he had worked with the Cleveland Housing Court Bailiffs in the past. THOMPSON only know the CHCB by their first names PAUL and KEN.

THOMPSON stated he was his employees that were with him today are as follows:

**Dennis Halliday, 216-269-4258**

**Delano Lowe, 216-369-0040**

|  |   |  |            |                                       |  |  |
|--|---|--|------------|---------------------------------------|--|--|
| <i>Det. M. Legg</i><br>INVESTIGATING OFFICERS<br>Det. M. Legg / R. Diaz / D. Borden / T. Powell                                  |   |  |            | PLATOON<br>1 <sup>st</sup>            | CAR<br>8187  | APPROVED BY<br><i>[Signature]</i>                            |
| WEATHER  | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP _____ | <input type="checkbox"/> WIND - _____ | <input type="checkbox"/> A.I.U<br><input type="checkbox"/> S.I.U | REQUESTED ON SCENE<br><input type="checkbox"/> NOT REQUESTED |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/> |   |  |            |                                       | TIME ASSIGNED<br>COMPLETED                                       |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |              |                                |                 |                    |            |
|--|---|--------------|--------------------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

Page 5 of 7

**Anthony LNU, 216-269-6837**

THOMPSON stated that he was standing in the common hallway by the staircase. THOMPSON stated the CHCB's and WILLIAM SHEPHERD were standing by entry door of apartment #2.

THOMPSON stated the CHCB's knocked on the apartment door and announced to the occupant of apartment #2 that they were Cleveland Housing Court Bailiffs.

THOMPSON stated the CHCB's knocked on apartment door #2 several times and told the occupant that they were there to evict the occupant.

THOMPSON stated that CHCB Paul called his supervisor and apprised the supervisor of the situation. THOMPSON stated CHCB Paul told SHEPHERD that his (Paul) supervisor said it was ok drill the lock and open the apartment door.

THOMPSON stated that SHEPHERD drill the dead block and opened the door. THOMPSON stated he heard a lot of commotion and saw SHEPHERD come flying out of the apartment.

THOMPSON stated the CHCB told him and his movers to stay back. THOMPSON stated he heard a lot of yelling and screaming.

THOMPSON stated he heard a single gunshot and he retreated to the parking lot.

THOMPSON stated that CHCB Ken came out to the parking lot and was visible shaken.

|   |   |  |                                    |   |  |
|---|---|--|------------------------------------|---|--|
| <i>Det. M. Legg / R. Diaz / D. Borden / T. Powell</i> |   | <b>INVESTIGATING OFFICERS</b>                                  | <b>PLATOON</b><br>1 <sup>st</sup>  | <b>CAR</b><br>8187  | <b>APPROVED BY</b><br><i>[Signature]</i>                           |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | <b>TEMP</b>                        | <input type="checkbox"/> WIND -   | <input type="checkbox"/> A.L.U.<br><input type="checkbox"/> S.I.U. |
| <b>ASSIGNMENT RECEIVED FROM:</b>                      |   |  | <b>TIME ASSIGNED</b>               |   |  |
| <input type="checkbox"/> RADIO                        | <input type="checkbox"/> DISTRICT                                 | <input type="checkbox"/> Det. Bur.                             | <input type="checkbox"/> COMPLETED |   |  |
|   |   |  |                                    | <input type="checkbox"/> REQUESTED ON SCENE<br><input type="checkbox"/> NOT REQUESTED |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10

DATE OF THIS REPORT: JANUARY 27 2022

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

|  |   |              |                                |                 |                    |            |
|--|---|--------------|--------------------------------|-----------------|--------------------|------------|
| <b>VICTIM:</b><br>PAUL MARKS                                   | <b>ADDRESS</b><br>1200 ONTARIO STREET         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>WHT | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W 96 <sup>TH</sup> STREET | <b>TYPE OF PLACE</b><br>APT. BUILDING HALLWAY |              | <b>ZONE</b><br>1-6             |                 |                    |            |
| <b>TIME OF OCCURRENCE</b><br>APPROXIMATELY 1125HRS             | <b>DATE OF OCCURRENCE</b><br>JANUARY 27 2022  |              | <b>DAY OF WEEK</b><br>THURSDAY |                 |                    |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

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THOMPSON stated he inquired on whether he should call 911. THOMPSON stated he was told by CHCB Ken that they had already radioed for help.

WCS video available

**INTERVIEW:**

**AMBER FAIR (property manager)  
J&S MANAGEMENT COMPANY  
1020 HURON ROAD  
440-465-1939**

I conferred with FAIR via land line. **Below is a synopsis of that conversation.**

FAIR stated that ZACHARY EDWARDS moved into the apartment complex in February 2020. FAIR stated she has had very little interaction with EDWARDS since he has moved in.

FAIR stated that EDWARDS stopped paying his rent in April 2021. FAIR stated in September 2021 she started the eviction process with Cleveland Housing Court.

FAIR stated the hearing were held via zoom and EDWARDS did not attend these hearing.

FAIR stated the eviction of EDWARDS was granted on January 13, 2022 with a move date set for January 27, 2022.

*Det. M. Legg*

INVESTIGATING OFFICERS  
Det. M. Legg / R. Diaz / D. Borden / T. Powell

PLATOON  
1<sup>st</sup>

CAR  
8187

APPROVED BY

*[Signature]*

WEATHER  CLEAR  RAIN  WIND -  A.I.U.  REQUESTED  ON SCENE  
 CLOUDY  SNOW  S.L.U.  NOT REQUESTED

ASSIGNMENT RECEIVED FROM:  
 RADIO  DISTRICT Det. Bur.

TIME ASSIGNED  
COMPLETED

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

**REPORT # 2022-024387  
F.I.T. 22-01  
HOM: 22-10**

DATE OF THIS REPORT: **JANUARY 27 2022**

**SUBJECT OR CRIME: FELONIOUS ASSAULT ON PEACE OFFICER ON DUTY / POLICE INTERVENTION (FOREIGN AGENCY) / SHOOTING / ABATED BY DEATH**

| <b>VICTIM:</b>                 | <b>ADDRESS</b>            | <b>PHONE</b>       | <b>AGE</b> | <b>SEX</b> | <b>RACE</b> | <b>M/S</b> |
|--------------------------------|---------------------------|--------------------|------------|------------|-------------|------------|
| PAUL MARKS                     | 1200 ONTARIO STREET       |                    | 53         | M          | WHT         |            |
| <b>ADDRESS OF OCCURRENCE</b>   | <b>TYPE OF PLACE</b>      | <b>ZONE</b>        |            |            |             |            |
| 1940 W 96 <sup>TH</sup> STREET | APT. BUILDING HALLWAY     | 1-6                |            |            |             |            |
| <b>TIME OF OCCURRENCE</b>      | <b>DATE OF OCCURRENCE</b> | <b>DAY OF WEEK</b> |            |            |             |            |
| APPROXIMATELY 1125HRS          | JANUARY 27 2022           | THURSDAY           |            |            |             |            |

**ORIGINAL INVESTIGATION  
F.I.T. - 22-01**

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**EVIDENCE:**

The following item was entered into the Homicide Evidence Book:

- Cell phone video** page 110 line 31
- Zachary Edwards eviction notice** page 110 line 32

*Det. David Budzisz*

|   |   |  |                  |                                       |  |   |
|---|---|--|------------------|---------------------------------------|--|---|
| <b>INVESTIGATING OFFICERS</b><br>Det. M. Legg / R. Diaz / D. Borden / T. Powell |   |  |                  | <b>PLATOON</b><br>1 <sup>st</sup>     | <b>CAR</b><br>8187   | <b>APPROVED BY</b><br><i>[Signature]</i>  |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP _____       | <input type="checkbox"/> WIND - _____ | <input type="checkbox"/> A.L.U.<br><input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED ON SCENE<br><input type="checkbox"/> NOT REQUESTED |
| <b>ASSIGNMENT RECEIVED FROM:</b>  |   |  |                  |                                       | <b>TIME ASSIGNED</b>   |   |
| <input type="checkbox"/> RADIO  | <input type="checkbox"/> DISTRICT                                 | <input type="checkbox"/> Det. Bur.                             | <b>COMPLETED</b> |                                       |  |   |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by death

|  |  |                   |                                |                 |                  |            |
|--|--|-------------------|--------------------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>- | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 | <b>TYPE OF PLACE</b><br>Apartment building hallway             |                   | <b>ZONE</b><br>1-6             |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022   |                   | <b>DAY OF WEEK</b><br>Thursday |                 |                  |            |

**ORIGINAL INVESTIGATION**

**F.I.T #22-01**

**INTERVIEWS:**

On Thursday, January 27<sup>th</sup>, 2022, while assigned the Cleveland Division of Police, Homicide Unit/ F.I.T, in company with my partner Detective David Borden #43, I received an assignment via-text at 1217 hours, from Cleveland Police Communication Control Section which read; *1940 W 96<sup>th</sup> St. Cleveland Housing Court Bailiffs on scene c/w an eviction. 26 y/o BM victim of GSW to the head. No bailiffs injured. Medic 24 transported to Metro. CAD #024387.*

Upon arrival, I was assisted by Sergeant Sheehan #9130, who's assigned to the Cleveland Division of Police- Internal Affairs Unit during the following interviews. Sgt. Sheehan's Wearable Camera System was activated and recording, as well as mines.

The following is a synopsis of the recorded interview(s) which I conducted with the citizens/ residents at the Madison Park-Luxury Apartments, located at 1940 W. 96<sup>th</sup> Street, Cleveland, Ohio 44102. Please refer to my Wearable Camera System recording, for verbatim responses connection with this incident.

Upon arrival I had the occasion to interview the following (3) individuals, who were outside, within the parking lot area of the Madison Park-Luxury Apartments, located at 1940 W. 96<sup>th</sup> Street, Cleveland, Ohio 44102, attempting to leave the premises;

**Anthony Ray Everett M/B/27**  
4878 E. 97<sup>th</sup> Street  
Garfield Hts., Ohio 44125  
DOB: 07/14/1994, SSN: [REDACTED]

*11.2.22 JR # 2062*

|   |   |  |  |   |
|---|---|--|--|---|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001   |   | <b>PLATOON</b><br>A  | <b>CAR</b><br>8188   | Page / of 8<br><b>APPROVED BY</b><br><i>[Signature]</i> |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | <input type="checkbox"/> A.I.U<br><input type="checkbox"/> S.I.U | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED | <input type="checkbox"/> ON SCENE                       |
| <b>ASSIGNMENT RECEIVED FROM:</b><br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> Det. Bur. |   | <b>TIME ASSIGNED COMPLETED</b>                                   |  |   |



**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/  
Shooting/ Abated by death

|  |  |                                |                  |                 |                  |            |
|--|--|--------------------------------|------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>-              | <b>AGE</b><br>53 | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 | <b>TYPE OF PLACE</b><br>Apartment building hallway             | <b>ZONE</b><br>1-6             |                  |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022   | <b>DAY OF WEEK</b><br>Thursday |                  |                 |                  |            |

**ORIGINAL INVESTIGATION**

**F.I.T #22-01**

Phone: 269-6837  
Dennis Holiday M/B/35  
3321 Monticello Blvd.  
Cleveland, Ohio 44118  
DOB: 04/29/1986, SSN: [REDACTED]  
Phone: (216) 269-4258

Delano Curtis Lowe M/B/34  
4629 E. 173<sup>rd</sup> Street  
Cleveland, Ohio 44128  
DOB: 09/23/1987, SSN: [REDACTED]  
Phone: (216) 269-6837

The following is a synopsis of the recorded interview, which I conducted with EVERETT, HOLIDAY and LOWE. Please refer to my Wearable Camera System interview for verbatim responses connection with this homicide investigation.

EVERETT was seated in the driver's seat of a black, Jeep Wrangler, bearing Ohio License Plate # HXW3733. LOWE was seated in the front passenger's seat of the same vehicle. HOLIDAY was walking towards the same vehicle, attempting to get in. EVERETT advised me that the (3) of them work for a moving company and was fulfilling a job, when this incident occurred.

EVERETT stated that all (3) of them, were in the west hallway of the Madison Park-Luxury Apartments, located at 1940 W. 96<sup>th</sup> Street, when the maintenance man approached them and said that he think they shot the guy,

*L.P. JR # 2062*

|   |   |  |  |  |
|---|---|--|--|--|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001 |   | <b>PLATOON</b><br>A  | <b>CAR</b><br>8188   | <b>APPROVED BY</b><br><i>[Signature]</i>                                     |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY   | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.L.U. | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED |
| <b>ASSIGNMENT RECEIVED FROM:</b>  | <input type="checkbox"/> RADIO<br><input type="checkbox"/> DISTRICT | TEMP   | <input type="checkbox"/> WIND                                      | <b>TIME ASSIGNED</b><br><b>COMPLETED</b>                                     |
|   |   | <input type="checkbox"/> Det. Bur.                             |  |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by death

|  |  |                                |                  |                 |                  |            |
|--|--|--------------------------------|------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>-              | <b>AGE</b><br>53 | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 | <b>TYPE OF PLACE</b><br>Apartment building hallway             | <b>ZONE</b><br>1-6             |                  |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022   | <b>DAY OF WEEK</b><br>Thursday |                  |                 |                  |            |

**ORIGINAL INVESTIGATION**

**F.I.T #22-01**

that almost stabbed him! Per EVERETT, LOWE and HOLIDAY, at which point they all came outside of the building. This concluded my interview with EVERETT, LOWE and HOLIDAY.

Sergeant Sheehan #9130 and I, canvassed the area and responded to the following addresses:

**Robert L. Bailey M/B/63**  
1940 W. 96<sup>th</sup> Street (Apartment #8)  
Cleveland, Ohio 44102  
DOB: 06/20/1958, SSN: [REDACTED]  
Phone: REFUSED

The following is a synopsis of the recorded interview, which I conducted with BAILEY. Please refer to my Wearable Camera System interview for verbatim responses connection with this homicide investigation.

BAILEY stated, "Around 11:30 a.m., I thought that I heard somebody knocking at the downstairs entry door, but I didn't answer it." This concluded my interview with BAILEY.

\*\*\*NO RESPONSE AT THE FOLLOWING APARTMENT DOORS\*\*\* (1940 W. 96<sup>th</sup> Street, Apartment # 1, 3, 6 and 10). Due to no response, my city issued business card was left on the door, of the above mentioned addresses. The resident who resides in apartment #12 refused to talk to us, in regards to this incident.

*C.P. #2062*

|   |                                |                                   |                                    |                               |  |  |
|---|--------------------------------|-----------------------------------|------------------------------------|-------------------------------|--|--|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001 |                                |                                   |                                    | <b>PLATOON</b><br>A           | <b>CAR</b><br>8188                     | <b>APPROVED BY</b><br><i>[Signature]</i> |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR | <input type="checkbox"/> RAIN     | <input type="checkbox"/> CLOUDY    | <input type="checkbox"/> SNOW | <b>TEMP</b>                            | <input type="checkbox"/> WIND            |
| <b>ASSIGNMENT RECEIVED FROM:</b>  | <input type="checkbox"/> RADIO | <input type="checkbox"/> DISTRICT | <input type="checkbox"/> Det. Bur. | <b>PLATOON</b>                | <input type="checkbox"/> A.I.U         | <input type="checkbox"/> S.I.U           |
|   |                                |                                   |                                    | <b>CAR</b>                    | <input type="checkbox"/> REQUESTED     | <input type="checkbox"/> ON SCENE        |
|   |                                |                                   |                                    | <b>CAR</b>                    | <input type="checkbox"/> NOT REQUESTED |  |
|   |                                |                                   |                                    | <b>TIME ASSIGNED</b>          | <b>COMPLETED</b>                       |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by death

|  |  |                                |                  |                 |                  |            |
|--|--|--------------------------------|------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>-              | <b>AGE</b><br>53 | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 | <b>TYPE OF PLACE</b><br>Apartment building hallway             | <b>ZONE</b><br>1-6             |                  |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022   | <b>DAY OF WEEK</b><br>Thursday |                  |                 |                  |            |

**ORIGINAL INVESTIGATION**

**F.I.T #22-01**

Sergeant Sheehan #9130 and I responded to 1940 W. 96<sup>th</sup> Street (Apartment #7) and interviewed the following individuals;

**Eva Marie Antoinette Crumbley F/B/40**  
1940 W. 96<sup>th</sup> Street (Apartment #7)  
Cleveland, Ohio 44102  
DOB: 09/02/1981, SSN: [REDACTED]  
Phone: (216) 262-8534

**Fred Little Jr. M/B/76**  
1940 W. 96<sup>th</sup> Street (Apartment #7)  
Cleveland, Ohio 44102  
DOB: 09/19/1945, SSN: [REDACTED]  
Phone: (216) 631-1143

**Jawan D'Andre Flenoy M/B/48**  
1940 W. 96<sup>th</sup> Street (Apartment #7)  
Cleveland, Ohio 44102  
DOB: 01/22/1974, SSN: [REDACTED]  
Phone: (216) 262-8534

The following is a synopsis of the recorded interview, which I conducted with CRUMBLEY, LITTLE JR. and FLENOY. Please refer to my Wearable Camera System interview for verbatim responses connection with this homicide investigation.

CRUMBLEY stated, "I was sleep, didn't hear anything."

*C.P. JR # 2062*

|   |   |  |  |  |
|---|---|--|--|--|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001 |   | <b>PLATOON</b><br>A  | <b>CAR</b><br>8188   | <b>APPROVED BY</b><br><i>[Signature]</i> |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | <input type="checkbox"/> A.I.U<br><input type="checkbox"/> S.I.U | <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE<br><input type="checkbox"/> NOT REQUESTED |  |
| <b>ASSIGNMENT RECEIVED FROM:</b>  | <input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> Det. Bur.                           | <b>TIME ASSIGNED COMPLETED</b>                                   |  |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by death

|  |  |                                |                  |                 |                  |            |
|--|--|--------------------------------|------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>-              | <b>AGE</b><br>53 | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 | <b>TYPE OF PLACE</b><br>Apartment building hallway             | <b>ZONE</b><br>1-6             |                  |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022   | <b>DAY OF WEEK</b><br>Thursday |                  |                 |                  |            |

**ORIGINAL INVESTIGATION**

**F.I.T #22-01**

**LITTLE JR.** stated, "I'm a disabled veteran, didn't hear anything."

**FLENOY** stated, "I was sleep, didn't hear anything."

This concluded my interview with **CRUMBLEY**, **LITTLE JR.** and **FLENOY**.

Sergeant Sheehan #9130 and I responded to *1940 W. 96<sup>th</sup> Street (Apartment #5)* and interviewed the following individual;

**Sonya Smith F/B/48**  
**1940 W. 96<sup>th</sup> Street (Apartment #5)**  
**Cleveland, Ohio 44102**  
**DOB: 09/28/1973, SSN: [REDACTED]**  
**Phone: (216) 858-6490**

The following is a synopsis of the recorded interview, which I conducted with **SMITH**. Please refer to my Wearable Camera System interview for verbatim responses connection with this homicide investigation.

**SMITH** stated, "They [I think that it was the police] trying to bust the door in. I heard a shot, looked out of the window and seen the police cars pulling up."

This concluded my interview with **SMITH**.

*C.T. R. JR #2062*

|   |   |  |  |  |
|---|---|--|--|--|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001   |   | <b>PLATOON</b><br>A  | <b>CAR</b><br>8188   | <b>APPROVED BY</b><br><i>[Signature]</i> |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED | <input type="checkbox"/> ON SCENE        |
| <b>ASSIGNMENT RECEIVED FROM:</b><br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> Det. Bur. |   | <b>TIME ASSIGNED</b><br><b>COMPLETED</b>                           |  |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by death

|  |  |                                |                  |                 |                  |            |
|--|--|--------------------------------|------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>-              | <b>AGE</b><br>53 | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 | <b>TYPE OF PLACE</b><br>Apartment building hallway             | <b>ZONE</b><br>1-6             |                  |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022   | <b>DAY OF WEEK</b><br>Thursday |                  |                 |                  |            |

**ORIGINAL INVESTIGATION**

**F.I.T #22-01**

Sergeant Sheehan #9130 and I then responded to *1940 W. 96<sup>th</sup> Street (Apartment #9)* and interviewed the following individual;

**Lisa Irene White-Lavender F/B/48**  
1940 W. 96<sup>th</sup> Street (Apartment #9)  
Cleveland, Ohio 44102  
DOB: 10/15/1973, SSN: [REDACTED]  
Phone: (216) 815-6623

The following is a synopsis of the recorded interview, which I conducted with **WHITE-LAVENDER**. Please refer to my Wearable Camera System interview for verbatim responses connection with this homicide investigation.

**WHITE-LAVENDER** stated, *"I heard that someone was barricaded in the apartment, on the lower level downstairs. I seen approximately (4) bailiffs entering the building"*

This concluded my interview with **WHITE-LAVENDER**.

Sergeant Sheehan #9130 and I then responded to *1940 W. 96<sup>th</sup> Street (Apartment #11)* and interviewed the following individual;

**Nechelle L. Mcewen F/B/27**  
1940 W. 96<sup>th</sup> Street (Apartment #11)  
Cleveland, Ohio 44102  
DOB: 07/15/1993, SSN: N/A  
Phone: (216) 609-4392

*C.P. JR #2062*

|   |   |  |  |   |
|---|---|--|--|---|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001   |   | <b>PLATOON</b><br>A  | <b>CAR</b><br>8188   | Page 8 of 8<br><b>APPROVED BY</b><br><i>[Signature]</i> |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | <input type="checkbox"/> A.I.U<br><input type="checkbox"/> S.I.U | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED | <input type="checkbox"/> ON SCENE                       |
| <b>ASSIGNMENT RECEIVED FROM:</b><br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> Det. Bur. |   | <b>TIME ASSIGNED COMPLETED</b>                                   |  |   |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

**COMPLAINT NUMBER**  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by death

|  |  |                                |                  |                 |                  |            |
|--|--|--------------------------------|------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>-              | <b>AGE</b><br>53 | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 | <b>TYPE OF PLACE</b><br>Apartment building hallway             | <b>ZONE</b><br>1-6             |                  |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022   | <b>DAY OF WEEK</b><br>Thursday |                  |                 |                  |            |

**ORIGINAL INVESTIGATION**

**F.I.T #22-01**

The following is a synopsis of the recorded interview, which I conducted with MCEWEN. Please refer to my Wearable Camera System interview for verbatim responses connection with this homicide investigation.

MCEWEN stated, "I was sleep, woke up and seen the maintenance man (a white male) outside saying that a man charged at him and tried to stab him. The maintenance man thanked the cop for being there to save him!"

This concluded my interview with MCEWEN.

Sergeant Sheehan #9130 and I then responded to 1940 W. 96<sup>th</sup> Street (Apartment #4) and interviewed the following individual;

**Judaiah Upendo Withers M/B/21**  
1940 W. 96<sup>th</sup> Street (Apartment #4)  
Cleveland, Ohio 44102  
DOB: 10/21/2000, SSN: [REDACTED]  
Phone: (904) 219-7917

The following is a synopsis of the recorded interview, which I conducted with WITHERS. Please refer to my Wearable Camera System interview for verbatim responses connection with this homicide investigation.

WITHERS stated, "I heard them at the door across the hall, I think that it was someone that works here and a police officer. It sounded like the maintenance man and the police. I heard tussling, then I heard a gunshot! I

C.P. JR #2062

|   |   |  |  |  |
|---|---|--|--|--|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001   |   | <b>PLATOON</b><br>A  | <b>CAR</b><br>8188   | <b>APPROVED BY</b><br><i>[Signature]</i> |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | <input type="checkbox"/> A.I.U<br><input type="checkbox"/> S.I.U | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED | <input type="checkbox"/> ON SCENE        |
| <b>ASSIGNMENT RECEIVED FROM:</b><br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> Det. Bur. |   | <b>TIME ASSIGNED</b><br><b>COMPLETED</b>                         |  |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
2022-024387  
HOM: 22-10  
F.I.T #22-01

DATE OF THIS REPORT: (Thursday) January 27<sup>th</sup>, 2022

**SUBJECT OR CRIME:** Felonious Assault on a Peace Officer on duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by death

|  |  |  |                  |                                |                  |            |
|--|--|--|------------------|--------------------------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks   | <b>ADDRESS</b><br>1200 Ontario Street<br>Cleveland, Ohio 44113 | <b>PHONE</b><br>-  | <b>AGE</b><br>53 | <b>SEX</b><br>M                | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 W. 96 <sup>th</sup> Street<br>Cleveland, Ohio 44102 |  | <b>TYPE OF PLACE</b><br>Apartment building hallway           |                  | <b>ZONE</b><br>1-6             |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 hours                                    |  | <b>DATE OF OCCURRENCE</b><br>January 27 <sup>th</sup> , 2022 |                  | <b>DAY OF WEEK</b><br>Thursday |                  |            |

**ORIGINAL INVESTIGATION**

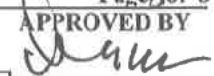
**F.I.T #22-01**

*didn't open my door. Afterwards I heard the maintenance man say- you saved my life! "*

This concluded my interview with WITHERS.

Further investigation shall continue.

*C.P. SR # 2062*

|   |                                |                                   |                                    |  |                                   |   |
|---|--------------------------------|-----------------------------------|------------------------------------|--|-----------------------------------|---|
| <b>INVESTIGATING OFFICERS</b><br>Detective(s); Powell #2062/ Borden #43/ Legg #2198/ Diaz #1001 |                                |                                   |                                    | <b>PLATOON</b><br>A                    | <b>CAR</b><br>8188                | <b>APPROVED BY</b><br> |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR | <input type="checkbox"/> RAIN     | <input type="checkbox"/> CLOUDY    | <input type="checkbox"/> SNOW          | <b>TEMP</b>                       | <input type="checkbox"/> WIND   |
| <b>ASSIGNMENT RECEIVED FROM:</b>  | <input type="checkbox"/> RADIO | <input type="checkbox"/> DISTRICT | <input type="checkbox"/> Det. Bur. | <b>PLATOON</b>                         | <input type="checkbox"/> A.I.U    | <input type="checkbox"/> S.LU   |
|   |                                |                                   |                                    | <b>REQUESTED</b>                       | <input type="checkbox"/> ON SCENE |   |
|   |                                |                                   |                                    | <input type="checkbox"/> NOT REQUESTED | <b>TIME ASSIGNED</b>              | <b>COMPLETED</b>  |

# SUPPLEMENTARY REPORT

Cleveland Division of Police

COMPLAINT NO.

FIT # 22-01  
2022-0243867

DATE OF THIS REPORT: March 16, 2022

**SUBJECT : Felonious Assault On Peace Officer On Duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by Death**

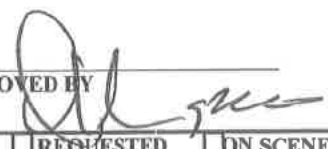
|  |   |       |                                |                 |                  |     |
|--|---|-------|--------------------------------|-----------------|------------------|-----|
| VICTIM<br><b>Paul Marks</b>                                      | ADDRESS<br><b>1200 Ontario Street</b>         | PHONE | AGE<br><b>53</b>               | SEX<br><b>M</b> | RACE<br><b>W</b> | M-S |
| ADDRESS OF OCCURRENCE<br><b>1940 West 96<sup>th</sup> Street</b> | TYPE OF PLACE<br><b>Hallway</b>               |       | ZONE<br><b>1-6</b>             |                 |                  |     |
| TIME OF OCCURRENCE<br><b>Approximately 1125 Hours</b>            | DATE OF OCCURRENCE<br><b>January 27, 2022</b> |       | DAY OF WEEK<br><b>Thursday</b> |                 |                  |     |
| PAGE <u>1</u> OF <u>1</u> PAGE REPORT                            |   |       |                                |                 |                  |     |

On Wednesday March 16, 2022 while assigned to the Homicide Unit working car 8186S in company with Det. Gonzalez # 1011, Det. Kellums # 1020 and Det. Bauhof # 1637 we had the occasion to follow up on the above captioned matter.

We responded to the Secret Service at which time we recovered the Black Samsung Cell Phone belonging to ZACHERY EDWARDS. We obtained a thumbdrive from Secret Service for the download of the cell phone.

The thumbdrive was placed in the **Homicide Unit Property Book Page 126, Line 36**. A copy of the secret service report will be attached with this report.

This matter to be further investigated.

|   |                                  |                                       |  |
|---|----------------------------------|---------------------------------------|--|
| INVESTIGATING OFFICERS<br><b>Det. Diaz # 1001, Gonzalez # 1011 &amp; Bauhof # 1637</b>  | PLATOON<br><b>1<sup>st</sup></b> | CAR<br><b>8186</b>                    | APPROVED BY<br>   |
| WEATHER <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | TEMP _____                       | <input type="checkbox"/> WIND - _____ | <input type="checkbox"/> A.I.U. <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE<br><input type="checkbox"/> S.I.U. <input type="checkbox"/> NOT REQUESTED |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/>      | TIME ASSIGNED<br>COMPLETED       |                                       |  |





# U.S. Secret Service Cyber Fraud Task Force

Digital Evidence Forensic Lab – Cleveland Field Office

## Case Info:

|                            |   |
|----------------------------|---|
| <b>Report Type:</b>        | Phone Extraction (Full File System)                     |
| <b>Report Date:</b>        | March 14, 2022  |
| <b>Date of Extraction:</b> | March 11, 2022  |
| <b>Submitting Agent:</b>   | Det. Shane Bauhof – Cleveland Police Department         |
| <b>Case Type:</b>          | Homicide  |
| <b>Case Number:</b>        | USSS: 203-866-50386; CPD: 2022-024387                   |
| <b>Subject Name(s):</b>    | Zack Edwards  |
| <b>Submitted Item(s):</b>  | Samsung Galaxy A01 (Pin: 1158)<br>IMEI: 354212115886767 |

## Tools Used for Password Retrieval/Decryption:

Cellebrite UFED Premium  Grayshift GrayKey  Passware Kit Forensic  Hashcat

## Tools Used for Device Imaging/Extraction:

Cellebrite UFED Premium  Cellebrite UFED  Cellebrite Physical Analyzer  Grayshift GrayKey  
 Susteen DataPilot 10  Tableau TX1  Tableau TD3  Write Blocker w/ Imaging Application  
 Cellebrite Digital Collector  Magnet Axion/Acquire  Other: Click or tap here to enter text.

## Tools Used for Analysis/Portable Case:

Cellebrite Physical Analyzer  Cellebrite BlackLight  Magnet Axion  Forensic Explorer  
 Oxygen Forensic  Griffeye Analyze DI  Autopsy  iLEAPP  Cyber Triage  
 Other: Click or tap here to enter text.

Synopsis:

The submitted device(s) were unlocked, imaged or extracted using the tool(s) selected above. The selected tool(s) performed physical, logical, and/or full file system image or extraction depending on the type of device. The hash value(s) of those extraction(s) as recorded by the selected tool(s) are:

85B98BA192777BCFE7620A4B18E9CE3F

*The Cleveland Cyber Fraud Task Force (CFTF) Digital Evidence Forensic Laboratory (DEFL) had the opportunity to assist your agency in the furtherance of your criminal investigation. Please note that the CFTF DEFL forensic examiners did not perform any analysis on the data returned to you in furtherance of your criminal investigation. We downloaded as much available information as possible from the electronic device(s) that your office sent.*

*\*In some circumstances, a portable case was generated from the device extraction. No analysis, searching, or additional investigation was performed by the CFTF DEFL. The CFTF DEFL examiners leave that to your investigators, within the scope of the search warrant that you provided to this office permitting us to gain access to the device. If you require additional forensic analysis or investigative assistance with this case, please do not hesitate to contact the listed examiner below.*

Examiner Info:



Matthew Luczak  
Technical Staff Assistant  
U.S. Secret Service  
6450 Rockside Woods Blvd. South  
Suite 200  
Independence Ohio, 44131  
Office: 216-750-2058  
Mobile: 216-219-7191  
matthew.d.luczak@usss.dhs.gov



MOBLE DEVICE EXAM NOTES

Submitting Agency: CPD  
Date of Extraction: 3/11/22  
Make of Device: Samsung  
Device Model: A01  
Type of Extraction Obtained: \_\_\_\_\_  
OS Version on Device: 10  
Type of Passcode: Pin  
Chipset/Processor: MSM 8937  
Encryption Type: FBE

Unlocking tool used on device? Premium GrayKey UFED  
Sim Card: Yes No Removed? Yes No  
Was device on when exam started? YES NO  
Was device in AFU or BFU state? AFU BFU  
Was a SD card contained in the device? YES NO Size: \_\_\_\_\_  
Was a Reader Report generated? Yes No

Android Device Configurations:

Developer Options Enabled? Yes No  
USB Debugging: On Off  
Examiner Changed from off to on? Yes No  
Stay awake: On Off  
Examiner Changed from off to on? Yes No

Otl  
— Pin: \_\_\_\_\_  
—  
—  
— 1158 \_\_\_\_\_  
—

# SUPPLEMENTARY REPORT

Cleveland Division of Police

COMPLAINT NO.

2022-24387

HOM #22-10

FIT #22-01

DATE OF THIS REPORT: January 27, 2022

## SUBJECT: Felonious Assault on Peace Officer On Duty/Police Intervention (Foreign Agency)/Shooting/Abated by Death

| VICTIM                      | ADDRESS                    | PHONE       | AGE | SEX | RACE | M-S |
|-----------------------------|----------------------------|-------------|-----|-----|------|-----|
| Paul Marks                  | 1200 Ontario               |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE       | TYPE OF PLACE              | ZONE        |     |     |      |     |
| 1940 W. 96 <sup>th</sup> #2 | Apartment Building Hallway | 1-6         |     |     |      |     |
| TIME OF OCCURRENCE          | DATE OF OCCURRENCE         | DAY OF WEEK |     |     |      |     |
| Approximately 1125hrs       | January 27, 2022           | Thursday    |     |     |      |     |

### ORIGINAL INVESTIGATION

Sir,

On Thursday, January 27, 2022 at 1157hrs, assigned to Crime Scene Car #8116, I received this assignment from Cleveland Police Radio, to respond to 1940 W. 96<sup>th</sup>, apartment #2, to assist the members of Z/C #1B17 with evidence collection and scene processing for a felonious assault/shooting. Upon my arrival at 1223hrs, I conducted a walkthrough of the scene with Sgt. Reese #9266, Det. Legg #2198, Det. Diaz #1001, and Det. Schultz #508 of the Cleveland Police Homicide Unit. Sgt. Rini #9051, Det. Manson #1564, and Det. Lascko #1854 of the Crime Scene Unit assisted with the processing of this scene. Refer to the crime scene log for additional personnel. Processing of this scene began at 1239hrs and ended at 1325hrs.

**PHOTOS:** CS #176857, 76 color images taken showing the following views: overall front of the building, viewing from east to west from the apron of the parking lot of the Madison Park Luxury Apartments, no address present. The building is a three-story apartment building with the scene encompassing the entrance, the first floor hallway, and the interior of apartment #2. Further images capture the interior of the building and the marked evidence.

**MARKER #1:** Notebook on the dining room table.

**MARKER #2:** Kitchen knife with a black handle on a dining room chair.

**MARKER #3:** White security camera on the back of a dining room chair, pointed toward the front door of the apartment.

| ESTIGATING OFFICERS   |   | PLATOON          | CAR   | APPROVED BY   |
|---|---|------------------|---|---|
| Det. MICHAEL L. HALE #1187  | <i>M.L.H. 1187</i>  | 1st              | 8116  | <i>[Signature]</i>  |
| WEATHER   | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN  | TEMP <u>23</u> ° | <input type="checkbox"/> A.I.U. <input type="checkbox"/> S.I.U. | <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE |
|   | <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | WIN <u>0</u> MPH |   | <input type="checkbox"/> NOT REQUESTED  |
| ASSIGNMENT RECEIVED FROM:   |   | TIME ASSIGNED    |   | COMPLETED   |
| <input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/> |   |                  |   |   |

# SUPPLEMENTARY REPORT

Cleveland Division of Police

COMPLAINT NO.

2022-24387

HOM #22-10

FIT #22-01

DATE OF THIS REPORT: January 27, 2022

## SUBJECT: Felonious Assault on Peace Officer On Duty/Police Intervention (Foreign Agency)/Shooting/Abated by Death

| VICTIM                      | ADDRESS                    | PHONE       | AGE | SEX | RACE | M-S |
|-----------------------------|----------------------------|-------------|-----|-----|------|-----|
| Paul Marks                  | 1200 Ontario               |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE       | TYPE OF PLACE              | ZONE        |     |     |      |     |
| 1940 W. 96 <sup>th</sup> #2 | Apartment Building Hallway | 1-6         |     |     |      |     |
| TIME OF OCCURRENCE          | DATE OF OCCURRENCE         | DAY OF WEEK |     |     |      |     |
| Approximately 1125hrs       | January 27, 2022           | Thursday    |     |     |      |     |

### ORIGINAL INVESTIGATION

**MARKER #4:** Kitchen knife with a black handle on top of a stack of weights in the living room.

**MARKER #5:** Wooden club stained with suspected blood on the hallway floor just outside the door of apartment #2.

**MARKER #6:** Pool of suspected blood on the floor of the first floor hallway.

**MARKER #7:** Suspected fired bullet on the floor of the first floor hallway.

**MARKER #8:** One spent cartridge casing "9MM LUGER WIN" on the floor of the first floor hallway at the door of apartment #1.

**MARKER #9:** Suspected blood drops on the first floor hallway leading up the stairs to the apartment entrance.

**MARKER #10:** Suspected blood drops on the ground outside of the front entrance of the apartment building.

**MARKER #11:** Suspected blood splatter on the east wall of the first floor hallway near apartment #1.

**MARKER #12:** Wallet with the Ohio ID of: Zachery L. Edwards, on the dining room table.

|  |   |           |   |  |
|--|---|-----------|---|--|
| INVESTIGATING OFFICERS                       |   | PLATOON   | CAR   | APPROVED BY  |
| Det. MICHAEL L. HALE #1187 <i>M-L-H 1187</i> |   | 1st       | 8116  | <i>Joe Rini 5/1/22</i>   |
| WEATHER                                      | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN  | TEMP      | <input type="checkbox"/> A.I.U. <input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE |
|  | <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | 23 °      | WIN 0 MPH   | <input type="checkbox"/> NOT REQUESTED                               |
| ASSIGNMENT RECEIVED FROM:                    |   |           | TIME ASSIGNED   |  |
| <input type="checkbox"/> RADIO               | <input type="checkbox"/> DISTRICT                             | Det. Bur. | COMPLETED   |  |

# SUPPLEMENTARY REPORT

Cleveland Division of Police

COMPLAINT NO.

2022-24387

HOM #22-10

FIT #22-01

DATE OF THIS REPORT: **January 27, 2022**

## SUBJECT: Felonious Assault on Peace Officer On Duty/Police Intervention (Foreign Agency)/Shooting/Abated by Death

| VICTIM                      | ADDRESS                    | PHONE       | AGE | SEX | RACE | M-S |
|-----------------------------|----------------------------|-------------|-----|-----|------|-----|
| Paul Marks                  | 1200 Ontario               |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE       | TYPE OF PLACE              | ZONE        |     |     |      |     |
| 1940 W. 96 <sup>th</sup> #2 | Apartment Building Hallway | 1-6         |     |     |      |     |
| TIME OF OCCURRENCE          | DATE OF OCCURRENCE         | DAY OF WEEK |     |     |      |     |
| Approximately 1125hrs       | January 27, 2022           | Thursday    |     |     |      |     |

### ORIGINAL INVESTIGATION

**PRINTS:** No prints collected or requested.

#### RACE:

- 1.) 1 Notebook, marker #1 (66/35)
- 2.) 1 Kitchen knife w/5" blade and black handle. Marker #2. (66/36)
- 3.) 1 Security camera with power cord, marker #3. (66/37)
- 4.) 1 Kitchen knife w/7" blade and black handle. Marker #4. (66/38)
- 5.) 1 Wooden club stained with suspected blood, marker #5. (66/39)
- 6.) 2 Swabs of suspected blood, from marker #6. (67/01)
- 7.) 1 Fired bullet with suspected blood, marker #7. (67/02)
- 8.) 1 Spent cartridge casing "9mm Luger WIN", marker #8. (67/03)
- 9.) 1 Black wallet with the Ohio ID of: Zachery L. Edwards", marker #12. (67/04)

The above listed trace evidence was entered in the Crime Scene Unit Property Book.

|   |   |               |   |  |
|---|---|---------------|---|--|
| INVESTIGATING OFFICERS                        |   | PLATOON       | CAR   | APPROVED BY:   |
| Det. MICHAEL L. HALE #1187 <i>M.L.H. 1187</i> |   | 1st           | 8116  | <i>Paul Rini Spt 2022</i>  |
| WEATHER                                       | <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN  | TEMP          | <input type="checkbox"/> A.I.U. <input type="checkbox"/> S.I.U. | <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE |
|   | <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | 23 °          | WIN 0 MPH   | <input type="checkbox"/> NOT REQUESTED                               |
| ASSIGNMENT RECEIVED FROM:                     |   | TIME ASSIGNED |   |  |
| <input type="checkbox"/> RADIO                | <input type="checkbox"/> DISTRICT Det. Bur.                   | COMPLETED     |   |  |

# SUPPLEMENTARY REPORT

Cleveland Division of Police

COMPLAINT NO.

2022-24387

HOM #22-10

FIT #22-01

DATE OF THIS REPORT: January 27, 2022

## SUBJECT: Felonious Assault on Peace Officer On Duty/Police Intervention (Foreign Agency)/Shooting/Abated by Death

| VICTIM                      | ADDRESS                    | PHONE       | AGE | SEX | RACE | M-S |
|-----------------------------|----------------------------|-------------|-----|-----|------|-----|
| Paul Marks                  | 1200 Ontario               |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE       | TYPE OF PLACE              | ZONE        |     |     |      |     |
| 1940 W. 96 <sup>th</sup> #2 | Apartment Building Hallway | 1-6         |     |     |      |     |
| TIME OF OCCURRENCE          | DATE OF OCCURRENCE         | DAY OF WEEK |     |     |      |     |
| Approximately 1125hrs       | January 27, 2022           | Thursday    |     |     |      |     |

### ORIGINAL INVESTIGATION

Refer to Homicide reports for further info.

Respectfully,

  
Det. MICHAEL L. HALE #1187  
SIU #8116

#### INVESTIGATING OFFICERS

Det. MICHAEL L. HALE #1187


#### PLATOON

1st

#### CAR

8116

#### APPROVED BY



#### WEATHER

CLEAR

RAIN

CLOUDY

SNOW

TEMP 23 °

WIN 0 MPH

A.I.U

S.I.U

REQUESTED

NOT REQUESTED

ON SCENE

#### ASSIGNMENT RECEIVED FROM:

RADIO

DISTRICT Det. Bur.

#### TIME ASSIGNED

COMPLETED



# SUPPLEMENTARY REPORT

Cleveland Division of Police

DATE OF THIS REPORT: 01/27/2022

2022-024387

F.I.T. 2022-01

Homicide 22-10

## SUBJECT: Felonious Assault on Peace Officer on Duty/Police Intervention(Foreign Agency)/Shooting/Abated by Death

| VICTIM                  | ADDRESS                    | PHONE       | AGE | SEX | RACE | M-S |
|-------------------------|----------------------------|-------------|-----|-----|------|-----|
| Paul Marks              | 1200 Ontario Street        |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE   | TYPE OF PLACE              | ZONE        |     |     |      |     |
| 1940 W.96 Street        | Apartment building hallway | 1- 6        |     |     |      |     |
| TIME OF OCCURRENCE      | DATE OF OCCURRENCE         | DAY OF WEEK |     |     |      |     |
| Approximately 1125 hrs. | January 27th, 2022         | Thursday    |     |     |      |     |

Page 1 of 3

Sir:

On January 27th, 2022 Detectives Lascko #1854, Hale #1187 and Manson #632 of the Crime Scene Unit, cars #8117A, #8116A and #8113A responded to 1940 W.96 apartment #2 in connection with F.I.T. #2022-01. Upon arrival at 1218 hrs. We conferred with the following personnel from the Homicide Unit Lt. Brown #8523, Detectives Legg #2198 and Diaz #1001, Crime Scene Sgt. Rini #9051. All photographs connected with CS#176857+A were taken by Det. Lascko #1854.

CS# 176857+A

F.I.T. #2022-01

1940 W.96 #2

Time of Entry 1233 hours

Time of Completion 1335 hours

**On Scene:** Homicide Unit Homicide Lt. Brown #8523, Det. Legg #2198 and Det. Diaz #1001. Crime Scene Unit Sgt. Rini #9051, Det. Hale #1187 and Det. Manson #632.

### Photos:

A total of 61 color images were taken documenting the overall appearance of the deputy bailiffs involved and maintenance man William Shepherd. The photographs were taken in the following order.

### Deputy Bailiff #1: Kenyon Jones #217

A total of 22 color images were taken documenting his overall appearance, additional images show his duty weapon and magazines.

### Weapon #1:

Glock 17 9mm / weapon serial number #BAGR489 / 1 live round in chamber / 16 rounds in the magazine seated in weapon / 2 additional magazines each contained 17 rounds.

*Det. T. Lascko #1854*

|  |                          |        |   |
|--|--------------------------|--------|---|
| INVESTIGATING OFFICERS   | PLATOON                  | CAR    | APPROVED BY   |
| Det. T. Lascko #1854   | A                        | 8117A  | <i>[Signature]</i>  |
| WEATHER  | TEMP                     | WIND   | <input type="checkbox"/> A.I.U. <input type="checkbox"/> REQUESTED <input checked="" type="checkbox"/> ON SCENE |
| <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input checked="" type="checkbox"/> CLOUDY <input checked="" type="checkbox"/> SNOW     | 24° F                    | S 9mph | <input checked="" type="checkbox"/> S.I.U. <input type="checkbox"/> NOT REQUESTED                               |
| ASSIGNMENT RECEIVED FROM:  | TIME ASSIGNED 1159 hrs.  |        |   |
| <input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DETECTIVE BUREAU <input checked="" type="checkbox"/> OTHER | TIME COMPLETED 1335 hrs. |        |   |

# SUPPLEMENTARY REPORT

Cleveland Division of Police

DATE OF THIS REPORT: 01/27/2022

2022-024387

F.I.T. 2022-01

Homicide 22-10

## SUBJECT: Felonious Assault on Peace Officer on Duty/Police Intervention(Foreign Agency)/Shooting/Abated by Death

| VICTIM                  | ADDRESS                    | PHONE       | AGE | SEX | RACE | M-S |
|-------------------------|----------------------------|-------------|-----|-----|------|-----|
| Paul Marks              | 1200 Ontario Street        |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE   | TYPE OF PLACE              | ZONE        |     |     |      |     |
| 1940 W.96 Street        | Apartment building hallway | 1- 6        |     |     |      |     |
| TIME OF OCCURRENCE      | DATE OF OCCURRENCE         | DAY OF WEEK |     |     |      |     |
| Approximately 1125 hrs. | January 27th, 2022         | Thursday    |     |     |      |     |

Page 2 of 3

### Deputy Bailiff #2: Paul Marks #214

A total of 27 color images were taken documenting his overall appearance and injuries occurred, additional images show his duty weapon and magazines.

### Weapon #2:

Glock 17 9mm / weapon serial number #BAGR485 / 1 live round in chamber / 17 rounds in the magazine seated in weapon / 2 additional magazines each contained 17 rounds.

Injuries sustained to left hand and left arm.

### Maintenance Employee: William Shepherd

A total of 11 color images were taken documenting his overall appearance and injuries occurred. Injuries sustained to left upper arm, left shoulder and left shoulder blade.

### Trace:

Following weapon was collected and packaged by Det. Lascko #1854 and turned over to Homicide Detective Diaz #1001 on scene.

1. Black Glock 17 9mm, serial #BAGR489, 1 magazine with (16) live rounds, 2 magazines with (17) live rounds each, 1 live round.

**Summary:** On January 27<sup>th</sup>, 2022, I responded to 1940 W.96 #2 in connection with a F.I.T. call up. I conferred with Sgt. Rini #9051 and Det. Hale #1187, scene was processed and documented above. LERMS entries were completed.

*Det. T. Lascko #1854*

|   |   |   |  |
|---|---|---|--|
| INVESTIGATING OFFICERS<br>Det. T. Lascko #1854  | PLATOON<br>A  | CAR<br>8117A  | APPROVED BY<br><i>[Signature]</i>  |
| WEATHER<br><input type="checkbox"/> CLEAR<br><input checked="" type="checkbox"/> CLOUDY<br><input type="checkbox"/> RAIN<br><input checked="" type="checkbox"/> SNOW              | TEMP <u>24</u> ° F<br>WIND <u>S9</u> mph            | <input type="checkbox"/> A.I.U<br><input checked="" type="checkbox"/> S.L.U | <input type="checkbox"/> REQUESTED<br><input checked="" type="checkbox"/> ON SCENE<br><input type="checkbox"/> NOT REQUESTED |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DETECTIVE BUREAU <input checked="" type="checkbox"/> OTHER | TIME ASSIGNED 1159 hrs.<br>TIME COMPLETED 1335 hrs. |   |  |

# SUPPLEMENTARY REPORT

Cleveland Division of Police

DATE OF THIS REPORT: 01/27/2022

2022-024387

F.I.T. 2022-01

Homicide 22-10

## SUBJECT: Felonious Assault on Peace Officer on Duty/Police Intervention(Foreign Agency)/Shooting/Abated byDeath

| VICTIM                  | ADDRESS                    | PHONE       | AGE | SEX | RACE | M-S |
|-------------------------|----------------------------|-------------|-----|-----|------|-----|
| Paul Marks              | 1200 Ontario Street        |             | 53  | M   | W    |     |
| ADDRESS OF OCCURRENCE   | TYPE OF PLACE              | ZONE        |     |     |      |     |
| 1940 W.96 Street        | Apartment building hallway | 1- 6        |     |     |      |     |
| TIME OF OCCURRENCE      | DATE OF OCCURRENCE         | DAY OF WEEK |     |     |      |     |
| Approximately 1125 hrs. | January 27th, 2022         | Thursday    |     |     |      |     |

Page 3 of 3

Weather: As reported from <http://w1.weather.gov/obhistory/KCLE.html>

Respectfully,

Det. T. Lascko #1854

Crime Scene Unit 8117A

*Det. T. Lascko #1854*

|   |   |                                       |   |
|---|---|---------------------------------------|---|
| INVESTIGATING OFFICERS<br>Det. T. Lascko #1854  | PLATOON<br>A  | CAR<br>8117A                          | APPROVED BY<br><i>[Signature]</i>   |
| WEATHER<br><input type="checkbox"/> CLEAR<br><input checked="" type="checkbox"/> CLOUDY   | <input type="checkbox"/> RAIN<br><input checked="" type="checkbox"/> SNOW | TEMP <u>24</u> ° F WIND <u>S9</u> mph | <input type="checkbox"/> A.I.U<br><input checked="" type="checkbox"/> S.I.U |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DETECTIVE BUREAU <input checked="" type="checkbox"/> OTHER | TIME ASSIGNED 1159 hrs.<br>TIME COMPLETED 1335 hrs.                       |                                       |   |

# SUPPLEMENTARY REPORT

Cleveland Division of Police

COMPLAINT NO.

FIT # 22-01  
2022-0243867

DATE OF THIS REPORT: January 31, 2022

**SUBJECT : Felonious Assault On Peace Officer On Duty/ Police Intervention (Foreign Agency)/ Shooting/ Abated by Death**

|  |   |       |                  |                 |                                |     |
|--|---|-------|------------------|-----------------|--------------------------------|-----|
| VICTIM<br><b>Paul Marks</b>                                      | ADDRESS<br><b>1200 Ontario Street</b>         | PHONE | AGE<br><b>53</b> | SEX<br><b>M</b> | RACE<br><b>W</b>               | M-S |
| ADDRESS OF OCCURRENCE<br><b>1940 West 96<sup>th</sup> Street</b> | TYPE OF PLACE<br><b>Hallway</b>               |       |                  |                 | ZONE<br><b>1-6</b>             |     |
| TIME OF OCCURRENCE<br><b>Approximately 1125 Hours</b>            | DATE OF OCCURRENCE<br><b>January 27, 2022</b> |       |                  |                 | DAY OF WEEK<br><b>Thursday</b> |     |

PAGE 2 OF 4 PAGE REPORT

On Monday January 31, 2022 while assigned to the Homicide Unit working car 8186S in company with Det. Gonzalez # 1011, Det. Kellums # 1020 and Det. Bauhof # 1637 we had the occasion to follow up on the above captioned matter.

We responded to City Prosecutor JORDAN along with Lt. Brown and IA Sgt. Young. We presented the facts of our investigation to Prosecutor JORDAN. Prosecutor JORDAN requested that we obtain a copy of Deputy KENYON JONES Training History, a copy of the Bailiff Department Use of Force Policy and a copy of the Deputy Bailiff Departmental Manual.

We conferred with Chief Bailiff STEPHANIE HALL who provided us a copy of all of the above requested documents which will be attached with this report.

All of the above documents were then turned over to Prosecutor JORDAN.

This matter to be further investigated.

*D. Diaz*

|  |                                  |                                     |  |  |                                   |
|--|----------------------------------|-------------------------------------|--|--|-----------------------------------|
| INVESTIGATING OFFICERS<br><b>Det. Diaz # 1001, Gonzalez # 1011 &amp; Bauhof # 1637</b>   | PLATOON<br><b>1<sup>st</sup></b> | CAR<br><b>8186</b>                  | APPROVED BY<br><i>[Signature]</i>                                |  |                                   |
| WEATHER<br><input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY<br><input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | TEMP _____                       | <input type="checkbox"/> WIND _____ | <input type="checkbox"/> A.I.U<br><input type="checkbox"/> S.I.U | <input type="checkbox"/> REQUESTED<br><input type="checkbox"/> NOT REQUESTED | <input type="checkbox"/> ON SCENE |
| ASSIGNMENT RECEIVED FROM:<br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT Det. Bur. <input type="checkbox"/>               | TIME ASSIGNED<br>COMPLETED       |                                     |  |  |                                   |

***Cleveland Municipal Court  
Housing Division  
Bailiff Department***

**Subject:**

**Use of Force- Action/Response Continuum**

**Policy:**

The Action-Response Continuum suggests a Deputy Bailiff's use of force with regard to a suspect's behavior. Housing Court Deputy Bailiffs shall use only the force that reasonably appears necessary to effectively bring an incident under control. Use of Force is not left to the unregulated discretion of the involved member- it is not a subjective determination. The use of force must be reasonably objective. Justification for the use of force is limited to the facts actually known or reasonably perceived by the member at the moment that force is used.

**DEFINITIONS:**

**Actively resisting** means the subject is making physically evasive movements to defeat the member's attempt at control. This includes bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

**Deadly force** is an action likely to cause death or serious physical harm. It may involve firearms, but it also includes any force that falls within this definition. Deadly force includes firing at or in the direction of a person, head strikes with an ASP baton or any hard object, or using a sleeper hold.

**Force** means the following actions by a member: any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The terms includes, but is not limited to, the use of firearms, chemical spray, electrical devices, sleeper hold or hard empty hands, or the taking of a subject to ground.. The term does not include escorting or handcuffing a person, with no or minimal resistance.

**Non-deadly force** is any use of force other than that which is considered deadly force. Non-deadly force includes any affirmative action taken by a member to control a subject. While members of the Bailiffs Department associate non-deadly force with the use of pepper spray, Taser and the ASP baton, non-deadly force **includes** the following:

1. Use if a member's body part(s) to strike an individual;
2. Use of Departmental issued intermediate weapons and equipment that may be used as a weapon (i.e. portable radio or flashlight) deployed on approved body targets areas (i.e. head strikes);
3. Use of joint manipulation and/or pressure point techniques;

4. Striking an individual with an object other than a firearm on approved body target areas (i.e. large muscle groups);
5. Wrestling with an individual;
6. Actively holding/pinning an individual against the group or other fixed object;
7. Any deliberate force which causes injury to another or causes another to fall, or collide with any object;
8. Any other physical action required to control a resistant, combative, or violent individual.

**Objectively reasonable force** is that level of force that is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who actually used force. Objective reasonableness is not analyzed with hindsight, but will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. This policy guideline applies to all uses of force, not only the use of deadly force.

**Serious use of force** is striking a suspect with a firearm, head strikes with an ASP baton or hard object, or any use of force that causes serious physical harm.

**Intermediate weapons** are authorized, less lethal devices, approved and issued by the Housing Court. Devices include, but are not limited to, the following: OC pepper-spray; the ASP baton; the Taser.

#### I. Force Level

A. Members shall determine the level of force necessary to protect themselves or others, or gain compliance from combative, resistant or violent individuals. Members shall consider alternative tactics to the use of force, which include, but are not limited to:

1. Concealment and/or cover
2. Voice commands
3. Show of force (i.e. multiple officers, alternative weapons)

#### B. Action-Response Continuum

Members are prepared with knowledge of laws, proper training in non-deadly force, proper training in use of force decision-making, proper training and accountability to high ethical standards and an understanding of Division directives. The Action-

Response Continuum suggests a member's response to a suspect's action. It does not require proceeding in a certain order.

**PROCEDURES**

| <b>SUSPECT ACTIONS</b>  | <b>DEPUTY'S RESPONSES</b>  |
|---|--|
| <p style="text-align: center;"><b>RED</b></p> <p>Weapon used against officer<br/>           Attempting to disarm officer<br/>           Life threatening weaponless assault<br/>           A present, imminent danger of death or serious bodily injury to themselves or in defense of another person if the other person has a legal right to use deadly force</p> | <p style="text-align: center;"><b>RED</b></p> <p style="text-align: center;">Deadly force</p>  |
| <p style="text-align: center;"><b>ORANGE</b></p> <p>Striking or kicking officer</p>   | <p style="text-align: center;"><b>ORANGE</b></p> <p>Baton/ASP techniques<br/>           Taser</p>  |
| <p style="text-align: center;"><b>YELLOW</b></p> <p>Wrestling or pushing officer</p>  | <p style="text-align: center;"><b>YELLOW</b></p> <p>Striking, punching, kicking, OC pepper-spray, baton/ASP restraints<br/>           Taser</p>  |
| <p style="text-align: center;"><b>GREEN</b></p> <p>Pulling away from officer</p>  | <p style="text-align: center;"><b>GREEN</b></p> <p>Striking muscle groups or muscle masses, take downs, joint manipulations, pressure points control<br/>           Taser</p>          |
| <p style="text-align: center;"><b>BLUE</b></p> <p>Not responding to commands<br/>           Verbal or physical danger cues</p>  | <p style="text-align: center;"><b>BLUE</b></p> <p>Balance displacement, escort position, other deputies assistance, deputy presence, verbal/physical commands<br/>           Taser</p> |

1. Consider the following suspect/deputy factors when choosing a response within the gamut.
  - a. Age;
  - b. gender;
  - c. body size;
  - d. skill level;
  - e. number of suspects and number of deputies;
  - f. relative strength of suspect and deputy;
  - g. known or apparent medical condition;

- h. known or apparent drug/alcohol usage.
2. Consider the following special circumstances unique to each situation when choosing a response within the gamut.
- a. Weapon proximity;
  - b. injury or exhaustion;
  - c. position (i.e. being on the ground);
  - d. distance from the suspect;
  - e. special knowledge or training;
  - f. availability of other options;
  - g. environmental conditions;
  - h. suspect handcuffed.

## II. Intermediate Weapons

- A. Members who meet the Division's physical and mental requirements, successfully complete training and meet proficiency standards, are issued and required to carry intermediate weapons on duty.
- B. Members shall not use intermediate weapons on individuals passively resisting.
- C. Members shall carry and use intermediate weapon holster/carriers furnished by the Division or specifically authorized by the Chief Bailiff.
- D. Members may draw, display, point or threaten to use intermediate weapons if they fear for their safety of others, or to gain compliance from a resistant, combative, or violent individual.



**109:2-5-10 Credit for prior equivalent training..**

A person requesting credit for prior firearms training must submit documentation of successful completion of an Ohio peace officer training commission approved firearms training program. The training must have been approved by the executive director and taken prior to employment as a court officer. They will, at the same time, submit documentation of current requalification with their duty weapon. Submission will be made on a form supplied by the executive director.

Effective: 1/1/2018

Five Year Review (FYR) Dates: 2/3/2021

Promulgated Under: 119.03

Statutory Authority: 109.74

Rule Amplifies: 109.73, 109.75

Prior Effective Dates: 04/11/1987, 07/07/2002, 04/24/2008, 02/03/2011

## **109:2-5-07 Certification of court officers..**

(A) Upon successful completion of an approved basic course a court officer shall be issued a certificate of completion by the executive director.

(B) Receipt of the certificate by a court officer shall be considered as fulfillment of only one of the conditions of employment and shall not be construed as a limitation of the discretionary power of the appointing judge or other official.

Effective: 1/1/2018

Five Year Review (FYR) Dates: 11/17/2020

Promulgated Under: 119:03

Statutory Authority: 109.74

Rule Amplifies: 109.73, 109.75

Prior Effective Dates: 04/11/1987, 07/07/2002

**109:2-5-04 Approval of school..**

- (A) The commander of a basic school shall, twenty-one calendar days prior to the start date, complete and forward to the executive director on forms provided by the executive director, an application and, a training calendar.
- (B) The basic school approved by the executive director shall include training in firearms and other subject matter as prescribed by the commission. The hours and student performance objectives for the basic course shall, be taught in their entirety.
- (C) The student enrollment list shall list the name and employer of each court officer. The student enrollment list shall be accompanied by documentation prescribed by the executive director regarding each student's authorization to attend the basic school.
- (D) The hours and student performance objectives approved by the commission are established as a mandatory minimum for obtaining certification. Commanders and instructors are encouraged to exceed the minimums.
- (E) A basic school will not be approved that has less than ten students, unless the commander certifies that there are less than ten court officers in the general geographic area who need training and the executive director approves. In all instances the basic school must meet student to instructor ratios as determined by the executive director.
- (F) Basic school approvals shall be issued by the executive director in writing. No training class or portion thereof will be recognized if conducted prior to the issuance of an approval letter assigning a school number.
- (G) The executive director may revoke the approval of any basic school for failure to maintain the minimum standards as set forth in this rule or any other rule or policy established by the commission for conducting the basic course. The executive director shall notify the commander of the school in writing of this revocation and shall advise the commander that the commander may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

Effective: 1/1/2018

Five Year Review (FYR) Dates: 2/3/2021

Promulgated Under: 119.03

Statutory Authority: 109.74

Rule Amplifies: 109.73, 109.75

Prior Effective Dates: 04/11/1987, 07/07/2002, 04/24/2008, 02/03/2011

**109:2-5-10 Credit for prior equivalent training..**

A person requesting credit for prior firearms training must submit documentation of successful completion of an Ohio peace officer training commission approved firearms training program. The training must have been approved by the executive director and taken prior to employment as a court officer. They will, at the same time, submit documentation of current requalification with their duty weapon. Submission will be made on a form supplied by the executive director.

Effective: 1/1/2018

Five Year Review (FYR) Dates: 2/3/2021

Promulgated Under: 119.03

Statutory Authority: 109.74

Rule Amplifies: 109.73, 109.75

Prior Effective Dates: 04/11/1987, 07/07/2002, 04/24/2008, 02/03/2011

## **109:2-5-07 Certification of court officers..**

(A) Upon successful completion of an approved basic course a court officer shall be issued a certificate of completion by the executive director.

(B) Receipt of the certificate by a court officer shall be considered as fulfillment of only one of the conditions of employment and shall not be construed as a limitation of the discretionary power of the appointing judge or other official.

Effective: 1/1/2018

Five Year Review (FYR) Dates: 11/17/2020

Promulgated Under: 119.03

Statutory Authority: 109.74

Rule Amplifies: 109.73, 109.75

Prior Effective Dates: 04/11/1987, 07/07/2002

## **109:2-5-01 Definitions..**

When used in Chapter 109:2-5 of the Administrative Code:

(A) The term "commission" means Ohio peace officer training commission.

(B) The term "executive director" means the executive director of the commission.

(C) The term "commander" means the director or other head of a basic school for court officers.

(D) The term "court officer" means a bailiff, deputy bailiff, probation or parole officer that carries a firearm in the course of their official duties, or an employee of the department of youth services who is designated pursuant to division (A)(2) of section 5139.53 of the Revised Code as being authorized to carry a firearm while on duty.

(E) The term "bailiff" or "deputy bailiff" means any person employed by a court of record and designated by a judge of that court of record as a bailiff or deputy bailiff who is authorized to carry a firearm while on duty.

(F) The term "basic course" means the court officer training curriculum which has been approved by the commission in accordance with rule 109:2-5-04 of the Administrative Code.

(G) The term "basic school" means any specific court officer basic course conducted by a commander and approved by the executive director.

Effective: 1/1/2018

Five Year Review (FYR) Dates: 2/3/2021

Promulgated Under: 119.03

Statutory Authority: 109.74

Rule Amplifies: 109.73, 109.75

Prior Effective Dates: 04/11/1987, 07/07/2002, 02/03/2011

## **109.77 Certificate of completion of basic training program necessary for appointment.**

(A) As used in this section:

- (1) "Felony" has the same meaning as in section 109.511 of the Revised Code.
- (2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(B)

(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, forest-fire investigator, wildlife officer, or state natural resources officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A state university law enforcement officer;

(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;

(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;

(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;

(j) A gaming agent employed under section 3772.03 of the Revised Code.

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person

## **109.77 Certificate of completion of basic training program necessary for appointment.**

(A) As used in this section:

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(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, forest-fire investigator, wildlife officer, or state natural resources officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A state university law enforcement officer;

(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;

(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;

(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;

(j) A gaming agent employed under section 3772.03 of the Revised Code.

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person



previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:

- (a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;
- (b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;
- (c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;
- (d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;
- (e) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;
- (f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;
- (g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;
- (h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training on companion animal encounters and companion animal behavior. The requirement to complete training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code does not apply to any person serving as a peace officer on March 27, 1979, and the requirement to complete training in crisis intervention does not apply to any person serving as a peace officer on April 4, 1985. Any person who is serving as a peace officer on April 4, 1985, who terminates that employment after that date, and who subsequently is hired as a peace officer by the same or another law enforcement agency shall complete training in crisis intervention as prescribed by rules adopted by the attorney general pursuant to section 109.742 of the

Revised Code. No peace officer shall have employment as a peace officer terminated and then be reinstated with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person serving on a permanent basis on March 28, 1985, as a park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources or as an employee of a park district under section 511.232 or 1545.13 of the Revised Code, to any person serving on a permanent basis on March 6, 1986, as an employee of a conservancy district designated pursuant to section 6101.75 of the Revised Code, to any person serving on a permanent basis on January 10, 1991, as a preserve officer of the department of natural resources, to any person employed on a permanent basis on July 2, 1992, as a special police officer by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or by the department of developmental disabilities pursuant to section 5123.13 of the Revised Code, to any person serving on a permanent basis on May 17, 2000, as a special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, to any person serving on a permanent basis on March 19, 2003, as a special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A)(19) of section 109.71 of the Revised Code, to any person serving on a permanent basis on June 19, 1978, as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who, immediately prior to June 19, 1978, was serving as a special police officer designated under authority of that section, or to any person serving on a permanent basis on September 20, 1984, as a liquor control investigator, known after June 30, 1999, as an enforcement agent of the department of public safety, engaged in the enforcement of Chapters 4301. and 4303. of the Revised Code.

(5) Division (B) of this section does not apply to any person who is appointed as a regional transit authority police officer pursuant to division (Y) of section 306.35 of the Revised Code if, on or before July 1, 1996, the person has completed satisfactorily an approved state, county, municipal, or department of natural resources peace officer basic training program and has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of such an approved program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority.

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal

*40 hours of OT*

investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal investigator;

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio peace officer training commission determines is equivalent to the training that otherwise is required by division (D) of this section.

(E)

*Peace officer training commission*  
(1) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director of the Ohio peace officer training commission shall request the person to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony.

(2) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director shall request a criminal history records check on the person. The executive director shall submit the person's fingerprints to the bureau of criminal identification and investigation, which shall submit the fingerprints to the federal bureau of investigation for a national criminal history records check.

*BA*  
*FBI*  
Upon receipt of the executive director's request, the bureau of criminal identification and investigation and the federal bureau of investigation shall conduct a criminal history records check on the person and, upon completion of the check, shall provide a copy of the criminal history records check to the executive director. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, before completion of an approved peace officer basic training program, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)

(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction of the felony and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section.

(G)

(1) If a person is awarded a certificate under this section and the certificate is revoked pursuant to division (E)(4) or (F) of this section, the person shall not be eligible to receive, at any time, a certificate attesting to the person's satisfactory completion of a peace officer basic training program.

(2) The revocation or suspension of a certificate under division (E)(4) or (F) of this section shall be in accordance with Chapter 119. of the Revised Code.

(H)

(1) A person who was employed as a peace officer of a county, township, or municipal corporation of the state on January 1, 1966, and who has completed at least sixteen years of full-time active service as such a peace officer, or equivalent service as determined by the executive director of the Ohio peace officer training commission, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.

(2) Any person who held an appointment as a state highway trooper on January 1, 1966, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.

(I) No person who is appointed as a peace officer of a county, township, or municipal corporation on or after April 9, 1985, shall serve as a peace officer of that county, township, or municipal corporation unless the person has received training in the handling of missing children and child abuse and neglect cases from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.

(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace

officer basic training program that the peace officer is required by this section to complete satisfactorily.

(K) This section does not apply to any member of the police department of a municipal corporation in an adjoining state serving in this state under a contract pursuant to section 737.04 of the Revised Code.

Amended by 131st General Assembly File No. TBD, SB 293, §1, eff. 9/14/2016.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 128th General Assembly File No. 38, HB 519, §1, eff. 9/10/2010.

Amended by 128th General Assembly File No. 9, HB 1, §101.01, eff. 10/16/2009.

Amended by 128th General Assembly ch. 9, SB 79, §1, eff. 10/6/2009.

Effective Date: 01-01-2004 .

## Section 1901.32 | Bailiffs.

Ohio Revised Code / Title 19 Courts-Municipal-Mayor's-County /  
Chapter 1901 Municipal Court

*Effective: March 20, 2019 Latest Legislation: House Bill 291 - 132nd General Assembly*

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(A) The bailiffs and deputy bailiffs of a municipal court shall be provided for, and their duties are, as follows:

(1) Except for the Hamilton county municipal court, the court shall appoint a bailiff who shall receive the annual compensation that the court prescribes payable in either biweekly installments or semimonthly installments, as determined by the payroll administrator, from the same sources and in the same manner as provided in section 1901.11 of the Revised Code. The court may provide that the chief of police of the municipal corporation or a member of the police force be appointed by the court to be the bailiff of the court. Before entering upon the duties of office, the bailiff shall take an oath to faithfully perform the duties of the office and, except as otherwise provided in section 3.061 of the Revised Code, shall give a bond of not less than three thousand dollars, as the legislative authority prescribes, conditioned for the faithful performance of the duties of chief bailiff.

(2) Except for the Hamilton county municipal court, deputy bailiffs may be appointed by the court. Deputy bailiffs shall receive the compensation payable in semimonthly installments out of the city treasury that the court prescribes, except that the compensation of deputy bailiffs in a county-operated municipal court shall be paid out of the treasury of the county in which the court is located. Except as otherwise provided in section 3.061 of the Revised Code, each deputy bailiff shall give a bond in an amount not less than one thousand dollars, and, when so qualified, may perform the duties pertaining to the office of chief bailiff of the court.

(3) The bailiff and all deputy bailiffs of the Hamilton county municipal court shall be appointed by the clerk and shall receive the compensation payable in semimonthly installments out of the treasury of Hamilton county that the clerk prescribes. Each judge of the Hamilton county municipal court may appoint a courtroom bailiff, each of whom shall receive the compensation payable in semimonthly installments out of the treasury of Hamilton county that the court prescribes.

(4) The legislative authority may purchase motor vehicles for the use of the bailiffs and deputy bailiffs as the court determines they need to perform the duties of their office. All expenses, maintenance, and upkeep of the vehicles shall be paid by the legislative authority upon approval by the court. Any allowances, costs, and expenses for the operation of private motor vehicles by bailiffs and deputy bailiffs for official duties, including the cost of oil, gasoline, and maintenance, shall be prescribed by the court and, subject to the approval of the legislative authority, shall be paid from the city treasury, except that the allowances, costs, and expenses for the bailiffs and deputy bailiffs of a county-operated municipal court shall be paid from the treasury of the county in which the court is located.

(5) Every police officer of any municipal corporation and police constable of a township within the territory of the court is ex officio a deputy bailiff of the court in and for the municipal corporation or township in which commissioned as a police officer or police constable, and shall perform any duties in respect to cases within the officer's or constable's jurisdiction that are required by a judge of the court, or by the clerk or a bailiff or deputy bailiff of the court, without additional compensation.

(6) In addition to the persons who are ex officio deputy bailiffs under division (A)(5) of this section, every deputy sheriff of a county is ex officio a deputy bailiff of a municipal court within the county and shall perform without additional compensation any duties in respect to cases within the court's jurisdiction that are required by a judge of the court, by the clerk of the court, or by a bailiff or deputy bailiff of the court.

(7) The bailiff and deputy bailiffs shall perform for the court services similar to those performed by the sheriff for the court of common pleas and shall perform any other duties that are requested by rule of court.

The bailiff or deputy bailiff may administer oaths to witnesses and jurors and receive verdicts in the same manner and form and to the same extent as the clerk or deputy clerks of the court. The bailiff may approve all undertakings and bonds given in actions of replevin and all redelivery bonds in attachments.

(B) In the Cleveland municipal court, the chief clerks and all deputy clerks are in the classified civil service of the city of Cleveland. The clerk, the chief deputy clerks, the probation officers, one private secretary, one personal stenographer to the clerk, and one personal bailiff to each judge are in the unclassified civil service of the city of Cleveland. Upon demand of the clerk, the civil service commission of the city of Cleveland shall certify a list of those eligible for the position of deputy clerk. From the list, the clerk shall designate chief clerks and the number of deputy clerks that the legislative authority determines are necessary.

Except as otherwise provided in this division, the bailiff, chief deputy bailiffs, and all deputy bailiffs of the Cleveland municipal court appointed after January 1, 1968, and the chief housing specialist, housing specialists, and housing division referees of the housing division of the Cleveland municipal court appointed under section 1901.331 of the Revised Code are in the unclassified civil service of the city of Cleveland. All deputy bailiffs of the housing division of the Cleveland municipal court appointed pursuant to that section are in the classified civil service of the city of Cleveland. Upon the demand of the judge of the housing division of the Cleveland municipal court, the civil service commission of the city of Cleveland shall certify a list of those eligible for the position of deputy bailiff of the housing division. From the list, the judge of the housing division shall designate the number of deputy bailiffs that the judge determines are necessary.



The chief deputy clerks, the chief clerks, and all other deputy clerks of the Cleveland municipal court shall receive the compensation that the clerk prescribes. Except as provided in division (A)(4)(a) of section 1901.331 of the Revised Code with respect to officers and employees of the housing division of the Cleveland municipal court, the bailiff, all deputy bailiffs, and assignment room personnel of the Cleveland municipal court shall receive the compensation that the court prescribes.

Any appointee under sections 1901.01 to 1901.37 of the Revised Code may be dismissed or discharged by the same power that appointed the appointee. In the case of the removal of any civil service appointee under those sections, an appeal may be taken from the decision of the civil service commission to the court of common pleas of Cuyahoga county to determine the sufficiency of the cause of removal. The appeal shall be taken within ten days of the finding of the commission.

In the Cleveland municipal court, the presiding judge may appoint on a full-time, per diem, or contractual basis any official court reporters for the civil branch of the court that the business of the court requires. The compensation of official court reporters shall be determined by the presiding judge of the court. The compensation shall be payable from the city treasury and from the treasury of Cuyahoga county in the same proportion as designated in section 1901.11 of the Revised Code for the payment of compensation of municipal judges. In every trial in which the services of a court reporter so appointed are requested by the judge, any party, or the attorney for any party, there shall be taxed for each day's services of the court reporter a fee in the same amount as may be taxed for similar services in the court of common pleas under section 2301.21 of the Revised Code, to be collected as other costs in the case. The fees so collected shall be paid quarterly by the clerk into the city treasury and the treasury of Cuyahoga county in the same proportion as the compensation for the court reporters is paid from the city and county treasuries and shall be credited to the general funds of the city and county treasuries.

(C) In the Hamilton county municipal court, all employees, including the bailiff, deputy bailiff, and courtroom bailiffs, are in the unclassified civil service.

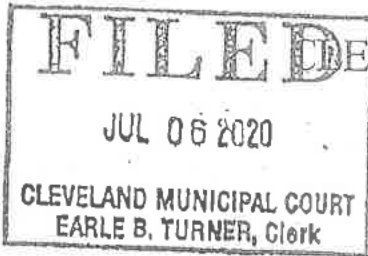
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### Available Versions of this Section

January 1, 2011 – House Bill 338, 128th General Assembly

March 23, 2018 – Amended by Senate Bill 8, 132nd General Assembly

March 20, 2019 – Amended by House Bill 291, 132nd General Assembly



CLEVELAND MUNICIPAL COURT  
HOUSING DIVISION

STATE OF OHIO

CUYAHOGA COUNTY

}  
}  
}

JOURNAL ENTRY

The within named Deputy Bailiff Kenyon Jones has satisfactorily complied with the following conditions set forth by Judge W. Moná Scott of the Cleveland Housing Court:

1. Deputy Bailiff Kenyon Jones was evaluated by a competent psychiatrist and determined psychologically fit to carry a weapon; and
2. A police records' check indicates that Deputy Bailiff Kenyon Jones has no criminal conviction which would impair their ability to carry a firearm; and
3. Deputy Bailiff Kenyon Jones has received a Special Police Commission from the City of Cleveland or has received equivalent firearm training and certification.

Therefore, Administrative Judge W. Moná Scott of Cleveland Housing Court authorizes Deputy Bailiff Kenyon Jones to carry a handgun when assigned to field duty.

This order shall be effective until further order of the Court.

Date: July 7, 2020

  
\_\_\_\_\_  
Judge W. Moná Scott  
Cleveland Housing Court

2020 HAD 18



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Ohio Peace Officer Training Commission  
Office 800-346-7682  
Fax 740-845-2675

P.O. Box 309  
London, Ohio 43140  
www.OhioAttorneyGeneral.gov

## RANGE PROFICIENCY RECORD: SEMI-AUTO PISTOL

NAME: Kenyon Jones AGENCY: Cleve, Housing Court  
WEAPON MAKE: Glock MODEL: 17 SERIAL #: BAG2489

HITS IN THE PREFERRED AREA (PA) COUNT AS A PLUS ONE (+1)

HITS IN THE NON-PREFERRED AREA (NPA), BUT INSIDE OF THE TARGET OUTLINE ARE A ZERO (0)

ROUNDS NOT FIRED (NF) ARE ZERO (0)

HITS OUTSIDE OF THE TARGET OUTLINE (MISS), OFF OF THE TARGET (MISS), OR FIRED OVER THE TIME LIMIT (OT) ARE A MINUS 1 (-1), EXTRA ROUNDS FIRED (ERF) ARE MINUS 1 (-1).

STAGE 1 PA: 3 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 2 2 HITS IN THE PREFERRED AREA, ONE HIT IN THE HEAD OR HIP

PA: 3 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 3A PA: 4 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 3B PA: 4 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 4 PA: 5 NPA: 1 NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 5 PA: 3 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 6 PA: 2 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

SUB TOTALS: 24 MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

TOTAL: 24 (PASSING IS A MINIMUM OF 20)

DATE TESTED: 2/16/21 PASSED:  FAILED: \_\_\_\_\_

TESTED BY: James H. Ruff REQ#: 05237 EXP: 3/4/2022



# MIKE DEWINE

OHIO ATTORNEY GENERAL



Ohio Peace Officer Training Commission  
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London, Ohio 43140  
www.OhioAttorneyGeneral.gov

## RANGE PROFICIENCY RECORD: SEMI-AUTO PISTOL

NAME: Kenyon Jones AGENCY: Cleveland Municipal Hous

WEAPON MAKE: Gaucha MODEL: G-17 SERIAL #: BAGR489 COU

HITS IN THE PREFERRED AREA (PA) COUNT AS A PLUS ONE (+1)

HITS IN THE NON-PREFERRED AREA (NPA), BUT INSIDE OF THE TARGET OUTLINE ARE A ZERO (0)

ROUNDS NOT FIRED (NF) ARE ZERO (0)

HITS OUTSIDE OF THE TARGET OUTLINE (MISS), OFF OF THE TARGET (MISS), OR FIRED OVER THE TIME LIMIT (OT) ARE A MINUS 1 (-1), EXTRA ROUNDS FIRED (ERF) ARE MINUS 1 (-1).

STAGE 1 PA: 3 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 2 2 HITS IN THE PREFERRED AREA, ONE HIT IN THE HEAD OR HIP

PA: 3 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 3A PA: 4 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 3B PA: 4 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 4 PA: 0 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 5 PA: 3 NPA: \_\_\_\_\_ NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

STAGE 6 PA: 1 NPA: 1 NF: \_\_\_\_\_ MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

SUB TOTALS: 24 MISS: \_\_\_\_\_ OT: \_\_\_\_\_ ERF: \_\_\_\_\_

TOTAL: 24 (PASSING IS A MINIMUM OF 20)

DATE TESTED: 1-2-20 PASSED: X FAILED: \_\_\_\_\_

TESTED BY: [Signature] REQ#: U101059 EXP: 8/15/20



THE SUPREME COURT OF OHIO

*This certificate is presented to*

**Kenyon Jones**

*In recognition of attending*

**CSO: Court Security Fundamentals**

Wednesday, August 18, 2021

*M. Christy Tull  
Director, Judicial College*

THE SUPREME COURT OF OHIO



*Christy Tull*

*This certificate is presented to*

**Kenyon Jones**

*In recognition of completing*

**Sexual Harassment Prevention for All Court Employees 2021 [ONLINE]**

Thursday, February 18, 2021

*M. Christy Tull*

*M. Christy Tull  
Director, Judicial College*

**Certificate**  
of Completion

**Kenyon Jones**

has successfully completed the course

**Bridging the Diversity  
Gap**

**Duration: 18 m**

**on May 5, 2021**





**Certificate**  
of Completion

**Kenyon Jones**

has successfully completed the course

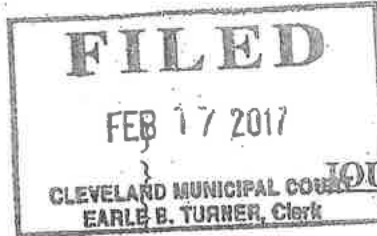
**Developing a Growth  
Mindset**

**Duration: 16 m**

**on May 5, 2021**



CLEVELAND MUNICIPAL COURT  
HOUSING DIVISION



STATE OF OHIO  
CUYAHOGA COUNTY

JOURNAL ENTRY

**IN RE:** Approval of Deputy Bailiff Kenyon Jones to Carry Handgun

The within named Deputy Bailiff has satisfactorily compiled with the following conditions set forth by Judge Raymond L. Pianka of the Housing Division; that is:

1. Deputy Bailiff Kenyon Jones was evaluated by a competent psychiatrist and determined psychologically fit to carry a weapon; and
2. A police records' check indicates that Deputy Bailiff Jones has no criminal conviction which would impair his ability to carry a firearm; and
3. Deputy Bailiff Jones has received a Special Police Commission from the City of Cleveland or has received equivalent firearm training and certification.

Therefore, the Judge of the Housing Division authorizes Deputy Bailiff Kenyon Jones to carry a handgun when assigned to field duty.

This order shall be effective until further order of the Court.

Date: 2/17/2017

Ronald B. Albine  
Judge Raymond L. Pianka  
Housing Division

2017 HA03

# Certificate of Completion

**Kenyon Jones**

has successfully completed the course

**Take a Deep Breath and  
Manage Your Stress**

**Duration: 17 m**


**on May 7, 2021**

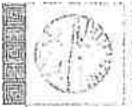




## PORTAGE COUNTY

Ohio License to Carry a Concealed Handgun

|  |                  |   |
|--|------------------|---|
| <b>KENYON A JONES JR</b>   |                  | License Number:   |
| 20700 Galdstone Rd   |                  | <b>67-POR-021323</b>  |
| Warrensville Hts, Ohio 44122   |                  |  |
| D.O.B.: 11/30/89   |                  |   |
| Issue Date:  | Expiration Date: |   |
| <b>3/18/21</b>   | <b>3/18/26</b>   |   |
| <br>Signature |                  |   |



THE SUPREME COURT OF OHIO

*Department of Administration*

*This certificate is presented to*

**Kenyon Jones**

*In recognition of completing*

**Sexual Harassment Prevention for All Court Employees 2021 [ONLINE]**

Thursday, February 18, 2021

*M. Christy Tull*

*M. Christy Tull  
Director, Judicial College*



# OHIO PEACE OFFICER TRAINING COMMISSION

THE OFFICE OF THE ATTORNEY GENERAL

&

This is to certify that

**Kenyon Allen Jones Jr.**

has completed the Ohio


Court Officer Basic Training Program

Conducted by


**Cuyahoga Community College - West Campus**


Awarded On  
July 03, 2020

  
Dave Fost  
Attorney General

  
Vernon P. Stanforth, Chairperson  
Ohio Peace Officer Training Commission



  
Dwight A. Holcomb, Executive Director  
Ohio Peace Officer Training Commission

  
School Commander

COB20-014 200102

# Certificate of Completion

**Kenyon Jones**

has successfully completed the course

**Overcoming Your Own  
Unconscious Biases**

**Duration: 17m**

**on January 27, 2021**





*This certificate is presented to*

***Kenyon Jones***

*for completion of*

**Odyssey 2017 Basics**

*By Courts & Justice*

***Cedric Robinson***

Cedric Robinson – Technical Publications Director

Date: 4/9/2020





*This certificate is presented to*

***Kenyon Jones***

*for completion of*

**Odyssey Cases Tabs**

**26/30**

*By Courts & Justice*

***Cedric Robinson***

**Cedric Robinson – Technical Publications Director**

**Date: 4/13/2020**



*This certificate is presented to*

**Kenyon Jones**

*for completion of*

**Odyssey Cases Basics**

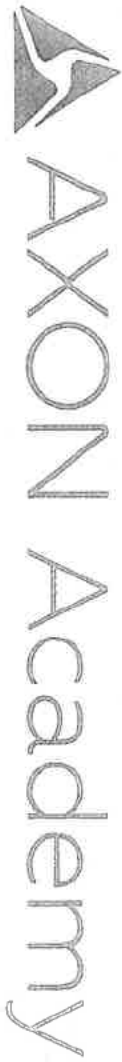
**26/27**

*By Courts & Justice*

***Cedric Robinson***

Cedric Robinson – Technical Publications Director

Date: 4/10/2020



CERTIFICATE OF COMPLETION

AWARDED TO

KENYON JONES

OF Cleveland Housing Court (agency)  
IN RECOGNITION OF YOUR SUCCESSFUL COMPLETION OF

TASER X26P CEW V.20.2 FOR USER CERTIFICATION COURSE

6H OF TRAINING

CERTIFICATE ISSUED 11/02/2018 (date)





# CLEVELAND HOUSING COURT

Certify to all that

**Kenyon Jones**

has completed

## O. C. CERTIFICATION

On May 21, 2018





**Brock Wade**  
Instructor

**Matthew Capadona**  
Officer-in-Charge



# OHIO PEACE OFFICER TRAINING COMMISSION

THE OFFICE OF THE ATTORNEY GENERAL

This is to certify that

**Kenyon Allen Jones Jr.**

has completed the Ohio  
Private Security Firearms Training Program

Conducted by  
**DanCon Training Institute**

Awarded on  
May 06, 2018

*Mike DeWine*  
Mike DeWine  
Attorney General

*Vernon P. Stanforth*  
Vernon P. Stanforth, Chairperson  
Ohio Peace Officer Training Commission

635762 A PSB18-154  
REQUALIFICATION DUE BY 11/06/19

This certificate alone does not authorize you to work as a security guard or private investigator. For licensing requirements, contact the Ohio Department of Public Safety/Private Investigator Security Guard Services, or visit <http://pdsigs.ohio.gov/>



*Mary E. Davis*  
Mary E. Davis, Executive Director  
Ohio Peace Officer Training Commission  
*Mary E. Davis*  
School Commander



# CLEVELAND HOUSING COURT



Certify to all that

**Kenyon A. Jones**

has completed


## FIREARMS TRAINING

On December 30, 2016

Training consisted of 56 hours of Advanced Handgun Fundamentals to include, but not limited to; Firearms Safety, Handling, Disassembly, Reassembly, Nomenclature, Combat marksmanship, Drawing, Holstering, Malfunction Clearing, Loading, Reloading, Unloading, Shooting from Close Quarters, Unsupported and Distance Techniques. Additionally, the member successfully completed the OPOTA State Requalification Examination.

  
Allen Humphrey  
Instructor

  
Matthew Capadona  
Officer-in-Charge

  
Paul Marks  
Instructor

## **109:2-5-04 Approval of school..**

- (A) The commander of a basic school shall, twenty-one calendar days prior to the start date, complete and forward to the executive director on forms provided by the executive director, an application and, a training calendar.
- (B) The basic school approved by the executive director shall include training in firearms and other subject matter as prescribed by the commission. The hours and student performance objectives for the basic course shall, be taught in their entirety.
- (C) The student enrollment list shall list the name and employer of each court officer. The student enrollment list shall be accompanied by documentation prescribed by the executive director regarding each student's authorization to attend the basic school.
- (D) The hours and student performance objectives approved by the commission are established as a mandatory minimum for obtaining certification. Commanders and Instructors are encouraged to exceed the minimums.
- (E) A basic school will not be approved that has less than ten students, unless the commander certifies that there are less than ten court officers in the general geographic area who need training and the executive director approves. In all instances the basic school must meet student to instructor ratios as determined by the executive director.
- (F) Basic school approvals shall be issued by the executive director in writing. No training class or portion thereof will be recognized if conducted prior to the issuance of an approval letter assigning a school number.
- (G) The executive director may revoke the approval of any basic school for failure to maintain the minimum standards as set forth in this rule or any other rule or policy established by the commission for conducting the basic course. The executive director shall notify the commander of the school in writing of this revocation and shall advise the commander that the commander may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

Effective: 1/1/2018

Five Year Review (FYR) Dates: 2/3/2021

Promulgated Under: 119.03

Statutory Authority: 109.74

Rule Amplifies: 109.73, 109.75

Prior Effective Dates: 04/11/1987, 07/07/2002, 04/24/2008, 02/03/2011

# DEPUTY BAILIFFS' DEPARTMENT MANUAL

Cleveland Municipal Housing Court

Judge W. Moná Scott



## Cleveland Municipal Housing Court

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## **Cleveland Municipal Housing Court**

### **Judge W. Moná Scott**

To the Deputy Bailiffs of the Housing Division:

The overriding mission of the Housing Division of the Cleveland Municipal Court is to faithfully carry out its responsibilities under law and to do so in a manner that demonstrates respect for every citizen who comes before the court. In this regard, you are on the "front line." Your actions will determine how the Court is perceived in the Greater Cleveland community.

This manual has been prepared for you to act as a ready reference should any questions arise about your duties and responsibilities. It does not cover every situation, but will provide you with information about the rules and procedures you should follow in the performance of your duties.

No doubt you will encounter complex or difficult situations from time to time. This manual and your common sense are your best resources. When in doubt consult a supervisor. Your safety and the safety of those around you are of paramount concern. Remember, you are not a police officer. You can and should seek assistance of the Police Department where circumstance warrants. In most instances, where appropriate action is uncertain, you will have and should take the time to fully consider all options. The Deputy Bailiff manual will be followed by one or more orientation sessions, the date and time of which will be announced by your supervisor(s).

Judge W. Moná Scott

Chief Bailiff Stephanie Hall

I. **General**

- A. Deputy Bailiffs are officers of the Court who provide security for the Courtrooms and the areas adjacent thereto. Deputy Bailiffs also enforce the orders of the Court.
- B. The Deputy Bailiff position is created by state statute, O.R.C. 1901.32.
- C. In the event of a conflict between the specific terms of this manual and the general terms of any other document issued by the Court, the specific terms of this Manual control over the general terms of the other documents.
- D. Violations of policies and procedures set forth in this Manual shall subject the Deputy Bailiff to disciplinary action.
- E. Pursuant to O.R.C. 1901.32, Housing Division Deputy Bailiffs are civil service employees, and, where appropriate, are subject to civil service rules and, additionally, any collective bargaining agreement that may be in effect.
- F. Deputy Bailiffs with questions regarding their duties, hours of work, etc., should contact the Chief Bailiff.
- G. Deputy Bailiffs should familiarize themselves with commonly used legal terms and abbreviations. An Index of legal terms is listed in the H drive under the Bailiffs Dept. Appendix A.

## II. Hours of Work/Attendance

- A. The normal hours of work for regular full-time employees within the Bailiffs' Department shall be from 8:30am to 4:30pm and 7:30am-3:30pm. The Chief Bailiff reserves the right to assign duty hours for Deputy Bailiffs that conform to the needs of the Court. Deputy Bailiffs will be cross trained and should anticipate the possibility of a change in work hours from time to time. Such changes may be made on short notice. However, with respect to foreseeable or long-term changes, the Court will make a good faith effort to provide ten (10) working days' notice of such changes.
- B. Changing into uniform in the morning must be done before the conventional 8:30am start time. Changing out of uniform may occur 10 minutes before the end of departure time, i.e. 4:20pm, if Deputy Bailiff's departure time is 4:30pm.

Deputy Bailiffs with a valid (current/unexpired) CCW permit to carry a firearm off-duty shall secure the firearm in the Deputy Bailiff's gun locker before their scheduled tour of duty 7:30 am or 8:30am and take the firearm home at time of departure.

Where alternative hours are scheduled, changing into and out of uniform must occur outside scheduled working hours.

- C. All field Deputy Bailiffs are expected to make their first service or enforce their first writ of restitution no later than 60 minutes after the start of the workday and to remain in the field until their assignments are completed.

In the event assignments are completed with one hour or more remaining in the workday, field Deputy Bailiffs are to call the office at (216) 664-4765, or contact their immediate supervisor for additional assignments or for authorization to return to the Justice Center.

- D. Any employee who will be off work due to illness or an emergency must notify the Chief Bailiff and the Deputy Bailiff Supervisors via phone call or text messaging one hour before the start of his or her starting time.
- E. Habitual tardiness will not be tolerated. Should unexpected conditions arise prior to the Deputy Bailiff leaving home which will cause the Deputy Bailiff to be late arriving, the Deputy Bailiff shall advise the Chief Bailiff and the Deputy

Bailiff Supervisors by the start of the Deputy Bailiff's shift. If the circumstances occur while working in the field, the Deputy Bailiff must call a supervisor or the Chief Bailiff prior to the end of the workday.

- F. All employees who work a regular workday shall be entitled to 1 hour lunch break. All lunches are to be taken between 11:00am and 2:00 pm. Lunches are to be completed by 2:00pm or 3:00pm. All Deputy Bailiffs shall notify Base 38 with the location of their lunch break via radio transmission. Deputy Bailiffs may be required to forego a full lunch break where unique workload demands require such modified schedule.
- G. To meet the ongoing needs of the judiciary in fulfilling its governmental duties, a state agency may consider providing services to the judiciary through teleworking, also known as telecommuting. Cleveland Housing Court may implement teleworking as a work option for certain eligible employees based on specific criteria and procedures consistently applied throughout the Court. This policy applies to all teleworking activities of Cleveland Housing Court, occasioned by the COVID-19 Pandemic, requiring operating procedures employed during a state of emergency. This policy may be updated as circumstances dictate. ALL Cleveland Housing Court employees and interns are subject to this policy. All applicable persons should become familiar with the contents of this policy and its supporting guidelines. See Section 4-4 of the Cleveland Housing Court Personnel Policy Manual.
- H. Additional information regarding hours of work and attendance is set forth in the Court's Employee Manual, in particular:
- |                                     |      |
|-------------------------------------|------|
| Holidays                            | 4-6  |
| Sick Leave                          | 4-8  |
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| Sick/Absence Abuse Control          | 4-2  |
| Tardiness Control                   | 4-2  |
| Telecommuting Policy (Temporary)    | 4-4  |
| Timekeeping                         | 4-1  |

Vacation

4-7

**II. Duties: An Overview**

- A. The Deputy Bailiffs, at the direction of the Chief Bailiff, are to perform all assignments and responsibilities pertaining to the office of the Deputy Bailiff as required by law and by order of the Court. Deputy Bailiffs routinely perform multiple responsibilities which are grouped within five categories: court security, field work, evictions, and warrant unit and office duties. Background information in support of each category of assignment is set forth within the context of each assignment. For example, material relating to service of process is included within the section dealing with field work.
- B. The Deputy Bailiff is a generalist, given the staffing constraints of the Court. It is the Court's expectation that each Deputy Bailiff shall be fully capable of performing all duties within each category of assignment and that reassignment may be accomplished, upon short notice, without disruption.

#### IV. Security/Prisoner Transport

##### A. Duties

1. Deputy Bailiffs maintain security, order and decorum in the Courtroom and all public areas on the courtroom floor. Deputy Bailiffs transfer and escort all probationers and defendants to appropriate destinations, and guard all prisoners. Deputy Bailiffs direct and assist the general public in the Justice Center whenever possible. Deputy Bailiffs provide and collect necessary paperwork for all persons having business before the Court, as appropriate.
2. Deputy Bailiffs operate the Court's computer data systems and the modern enterprise video communication systems used by the Court, including, but not limited to, Zoom and WebEx. Deputy Bailiffs ensure the computer, laptop and/or Surface Pro are linked to virtual hearings (conferences and meetings) scheduled by the Court. Deputy Bailiffs cohost and monitor virtual hearings and all recording equipment used during first and second cause hearings.

##### B. General Procedures

###### 1. Universal Standards

- a. Deputy Bailiffs are to treat all visitors and all phone callers with utmost courtesy. The Deputy Bailiff should be pleasant and polite. If ever it appears that firm action must be taken, the Deputy Bailiff shall use only such force as is reasonably necessary and commensurate with the exigencies of the situation in order to maintain good order.
- b. Deputy Bailiffs shall carry their assigned portable radio at all times while on duty for communication with Base 38 (front office).
- c. Deputy Bailiffs assigned to the courtroom or the office, shall set their portable radio on "scan" in order that the Deputy Bailiffs can monitor the activities of Cleveland Municipal Court Bailiffs: General Division.

- d. Personal phone calls shall only be made in cases of emergency. No one is permitted to use any telephone line at the security stations except in cases of emergency.

Deputy Bailiffs shall not use their personal cellphones while inside the courtroom. Deputy Bailiffs shall not use their personal cellphones while at the security desk when court is in session.

Deputy Bailiffs shall not use their personal cellphones or take phone calls on their cellphones while inside the bailiff office or front office.

- e. Deputy Bailiffs may be assigned to the security desk, courtroom security, field work, clerical work or other duties depending on departmental needs.
- f. In regards to after hour security, the Chief Bailiff will make such assignments as are appropriate. Assignments will be allocated equitably among the Deputy Bailiffs.

## 2. Access to Courtrooms

- a. If the defendant is a police officer or a person licensed to carry a firearm and that individual is in possession of a firearm, the defendant shall place his or her gun in a Gun Lock Box designated by the Deputy Bailiff on 13B.
- b. With respect to the courtroom 13B criminal docket, the Deputy Bailiff shall check in each defendant on a case by case basis by calling the name of each defendant. Each defendant shall be required to furnish photo identification which shall be copied with the original returned to the defendant. In the event the defendant declines to furnish photo identification, the defendant shall be required to verbally provide the Deputy Bailiff with his or her first and last name, date of birth, address and phone number.



### 3. Protocol for Transporting Prisoners to Courtroom 13B from the County Jail

- a. The Chief Bailiff, Deputy Supervisors or the Chief Bailiff's designee shall send the following email to the county jail at [shcourt@cuyahogacounty.us](mailto:shcourt@cuyahogacounty.us) for prisoner pickup the day before, or the Friday before, the prisoner is scheduled for court in courtroom 13B:

Good morning Sheriff's Department,  
Please transport Inmate \_\_\_\_\_ to the 5<sup>th</sup> floor bullpen for pick-up by the Cleveland Municipal Housing Court Bailiffs on DAY AND DATE, for morning court at TIME, in courtroom 13B, Judge Scott.

- b. The county jail will send a "received" email in response. The "received" email must be received to confirm the prisoner pickup. Contact the county jail at 216 443-3607; 216 443-6000 or 216 443-6070, if the "received" response is not received.
- c. At no time is a prisoner to be transported from another judge's courtroom to 13B.
- d. At no time is a prisoner to be picked up from the 4<sup>th</sup> floor of the justice center or from anywhere in the justice center other than the **5<sup>th</sup> floor bullpen**.
- e. When the prisoner is picked up from the 5<sup>th</sup> floor bullpen, an "Inmate Borrower Sheet," shall be completed before the prisoner is removed from the 5<sup>th</sup> floor and transported to 13B.
- f. Please note: this is the **only protocol** for prisoner transport from the county jail. Any other method of prisoner transport to 13B other than what is outlined above, is a violation of the transportation of prisoner(s) policy outlined in this Manual.
- g. Keep in mind, the County Jail is the **primary authority** governing prisoner transport from the county jail to courtroom 13B. All safety measures must be followed when handling prisoners. Any deviation from this process, may result in disciplinary action including termination.

4. Transportation of Prisoners/Use of Holding Cells

- a. At the beginning of shift, the Deputy Bailiff shall speak to the Judge's personal bailiff to determine the time the prisoner's case will be called and the time the Judge wants the prisoner brought to the holding cell.
- b. The holding cells between the courtrooms are to be used when a prisoner is brought to the courtroom. The Deputy Bailiff shall place the prisoner in a holding cell until the prisoner's case is called.
- c. At the end of each work day, the Deputy Bailiff shall check courtroom holding cells to make certain no one was left in the cells.
- d. All prisoner transports shall be performed by two Deputy Bailiffs, no exceptions.
- e. At no time shall Deputy Bailiffs walk through the Cuyahoga County Jail for a prisoner transport with any weapons of any kind, i.e. firearms, ammunition, pocket knife, Taser, ASP Baton or pepper spray.
- f. Cuyahoga County prisoners are picked up in the county jail from the 5<sup>th</sup> floor bullpen (216) 348-4142.
- g. All prisoners, male or female, shall be handcuffed behind their back when transported. Male and female prisoners are not to be handcuffed together.

NOTE: Prisoners may be handcuffed with their hands in front of their body for medical reasons only. Deputy Bailiffs must exercise caution and due diligence when prisoners' hands are handcuffed in front of their body for their safety and the safety of others.

- h. Prisoners shall not be handcuffed while detained in the holding cell.

- i. The Deputy Bailiffs assigned to transport the prisoner shall complete the Cuyahoga County Sheriff Department Inmate Borrow Slip (Borrow Slip) and the Borrow Slip must be signed by the County Guard prior to removing the prisoner from the County Jail.
- j. When transporting a prisoner from 3D arraignment, the Deputy Bailiff must photocopy the front of all Housing Court case files and the Cuyahoga County Booking Information Sheet.
- k. The Deputy Bailiff shall transport the handcuffed prisoner(s) to the 13B.
- l. Courtrooms personnel shall attach a copy of the journal entry (J.E.) or entries (J.E.s) and all pertinent paperwork (i.e. Defendant Ordered Returned (DOR) or Personal Bond (PB)), to the hold card prior to requesting transport. The Deputy Bailiff must retrieve the above described paperwork and the prisoner's court file from the courtroom personnel before transporting the prisoner to county jail.
- m. **The Deputy Bailiff shall return all county prisoners back to the 5<sup>th</sup> floor bullpen with the prisoner's paperwork.**
- n. Once the prisoner is turned over and accepted by the county jail, the Deputy Bailiff shall receive a copy of the signed county prisoner borrow slip.
- o. If the Judge ordered the prisoner released and issued a personal bond, the Deputy Bailiff shall follow up with the county jail at 216 443-6000 option #8 to ascertain whether the prisoner was released on personal bond or turned over to another law enforcement agency.
- p. The Deputy Bailiff shall obtain the following:
  - The name, rank and phone number of the person providing the information about the release of the prisoner.
  - The date and time the prisoner was released.
  - Whether the prisoner was released to another law enforcement agency.

- q. The Deputy Bailiff shall obtain this information no more than four (4) hours after the prisoner was returned to the county jail. If the four (4) hour time frame falls outside of normal business hours, the Deputy Bailiff shall call the county jail no later than 9:00am on the next business day.
- r. If the four (4) hour time frame falls outside of normal business hours and falls on a Friday or a legal holiday, the Deputy Bailiff shall notify the Chief Bailiff or the his/her designee. The Chief Bailiff or his/her designee shall follow up with the county jail **in four (4) hour increments** until the prisoner is released on a personal bond or turned over to another law enforcement agency.

5. Courtroom Activity

a. General

- (i). Deputy Bailiffs assigned to courtroom security shall NOT be armed. Firearms and mace are excluded from the courtroom. A Deputy Bailiff is permitted to carry a pair of handcuffs and a portable radio into the courtroom. The Deputy Bailiff shall sign in and out a portable radio at the start and end of each shift.
- (ii). The personal security of the Judge or magistrate, the security of all persons in the courtroom, and the preservation of order and proper decorum in the courtroom during criminal sessions is the most important responsibility of the Deputy Bailiffs. Therefore, Deputy Bailiffs assigned to courtroom security shall be most attentive at all times to anticipate the needs of the Judge. The Deputy Bailiff shall evaluate any unusual situation which might arise, and act quickly and judiciously to rectify the matter.
- (iii). Deputy Bailiffs shall take such action as necessary to assure that the Judge and/or the personal bailiff is aware of the Deputy Bailiff's presence in the courtroom.

- (iv). The Deputy Bailiff shall periodically patrol the area of 13B when court is not in session. When the Judge is presiding over the housing court docket, there shall be one Deputy Bailiff inside the courtroom and one Deputy Bailiff at the front desk, if possible at all times. If there is a shortage in personnel, the Deputy Supervisor shall notify the Chief Bailiff and make adjustments according to staff limitations.
  - (iv). When assigned to Courtroom 13B, and Courtroom 3A, the Deputy Bailiff shall allow only as many people into the courtroom as can be reasonably accommodated. In the event seating is limited, the Deputy Bailiff shall ask the friends and family members of litigants to remain outside the courtroom. In the event seating is limited amongst the litigants, the Deputy Bailiff shall require an appropriate number of litigants to remain outside the courtroom. The Deputy Bailiff will announce the name of the litigant in the public area adjacent to the courtroom at the time that the litigant's case is called. When the litigant's name is called, the litigant shall be permitted to enter the courtroom. The Deputy Bailiff shall help to remove loiterers from non-public areas.
  - (v). The Deputy Bailiff shall take up a position in the hall or in the rear of the courtroom in order that the Deputy Bailiff will be able to observe the public area outside the courtroom and remove any loiterers.
- b. Criminal Docket
- (i). If criminal defendants or other litigants are in the courtroom, the Deputy Bailiff shall remain inside the courtroom. If the Deputy Bailiff needs to leave the 13B post for any reason, the Deputy Bailiff shall notify his or her immediate supervisor that the Deputy Bailiff is leaving the 13B post and wait for a replacement before vacating the 13B post.

- (ii). The Deputy Bailiff shall assure that there is no talking and no movement in the courtroom during the Personal Bailiff's or the Judge's instructions to the defendants in the courtroom. Necessary court-related communication must be whispered.
- (iii). When the prisoner is brought into the courtroom, the Deputy Bailiff shall seat the defendant, and stand beside or behind the prisoner at all times.
- (iv). When the prisoner is not in a holding cell, at least one Deputy Bailiff shall stay with the prisoner at all times.
- (v). The Deputy Bailiff shall assure that no more than two prisoners are in a courtroom at one time without authorization from a supervisor.
- (vi). Making an arrest:
  - A. In the event the Judge orders the arrest of an individual while the Deputy Bailiff is in the courtroom, the Deputy Bailiff shall notify Base 38 that he or she has an individual detained and request assistance from another Deputy Bailiff.
  - B. The Deputy Bailiff shall lead the individual to the courtroom holding cell. The Deputy Bailiff shall not handcuff the individual in the courtroom unless ordered to do so.
  - C. Following the detainment of the individual, the Deputy Bailiff shall immediately get a signed journal entry from the Judge.
  - D. The Deputy Bailiff shall place the entry in a file (referred to as a "Jacket"). If the individual is to be admitted to County Jail, he or she shall be immediately transported to the 5<sup>th</sup> floor Bullpen.
- (viii). When the criminal docket is completed, the Deputy Bailiff shall report immediately to his or her immediate supervisor for further assignments.

6. Chambers/Offices

- a. The Deputy Bailiffs shall restrict access to the Judge's chambers. Whenever the Judge is in chambers, permission to visit the Judge must be obtained from the Judge's Personal Bailiff. No one is permitted to go unannounced to the Judge's chambers. The individual requesting to see the Judge must wait in the public area, until permission is granted and the Judge is ready to receive the visitor.

C. Special Considerations

1. **Weapons**

- a. Every person entering the Justice Center must pass through a metal detector and is subjected to a search if warranted. However, there may be times where weapons are missed and the Deputy Bailiff may have to confiscate a weapon.
- b. Procedures to be followed when weapons are found in the possession of defendants, witnesses, etc.:
  - (i). When weapons, i.e., firearms, sword, sabre, or knife with blade equal to or greater than 2 ½ inches, are found on an individual:
    - A. The Deputy Bailiff shall determine whether the person with the weapon is authorized by law to carry the weapon (e.g. police officer, transit police officer, sheriff's deputy). If the Deputy Bailiff is in doubt as to whether the person has authorization to possess a firearm, the Deputy Bailiff shall require the person to produce identification. If the person is authorized to carry a weapon, the Deputy Bailiff shall proceed to Section (IV)(C)(1)(iii), below, and shall carry out the procedures set forth therein.

- B. If the person is not authorized to carry a weapon, the Deputy Bailiff shall detain the person with the weapon.
  - C. The Deputy Bailiff shall confiscate the weapon.
  - D. The Deputy Bailiff shall place the person in the holding cell.
  - E. The Deputy Bailiff shall take the weapon, write an incident report, and complete the Property Sheet.
  - F. The Deputy Bailiff shall transport the weapon to the Cleveland Division of Police Property Room on the 8<sup>th</sup> Floor of the Justice Center and turn the weapon over to the Cleveland Division of Police.
  - G. The Deputy Bailiff shall contact a city prosecutor and file charges for Carrying a Concealed Weapon (C.C.W.).
  - H. The Deputy Bailiff shall transport the person to a holding cell and contact the Cuyahoga County Sheriff's Office for booking procedures.
- (ii). When a knife with blade less than 2.2 inches or other cutting tool, used for work, is carried on a belt and not concealed:
- A. The Deputy Bailiff shall take the weapon, write an incident report and complete the Property Sheet.
  - B. The Deputy Bailiff shall transport the weapon to the Cleveland Division of Police Property Room on the 8<sup>th</sup> Floor of the Justice Center and turn the weapon over to the Cleveland Division of Police.
  - C. The Deputy Bailiff shall complete an incident report summarizing the number of weapons seized.



- (iii). Procedure if a person is legally authorized to carry a weapon.
  - A. The Deputy Bailiff shall require that the person surrender his or her weapon to the Deputy Bailiff as a condition for access to the courtroom. The Deputy Bailiff shall complete a Property Sheet, make a copy of the Property Sheet and provide the Property Sheet to the individual as a receipt for the weapon.
  - B. The Deputy Bailiff shall place the weapon in a locked storage area designated by the Chief Bailiff.
  - C. The owner of the weapon may reclaim the weapon from the Deputy Bailiff at the conclusion of the court hearing upon presentation of the Property Sheet.
- 2. **Unusual Situations.** If the Deputy Bailiff observes or encounters an unusual or unknown situation, the Deputy Bailiff shall refer the situation to the Chief Bailiff or his/her supervisor before taking further action.
- 3. **Criminal or Threatening Conduct.** If the Deputy Bailiff observes or is aware of criminal activity or conduct threatening the physical safety of any person, the Deputy Bailiff shall immediately intervene. The Deputy Bailiff shall remove court personnel from the area of threatening conduct and, thereafter, the litigants and general public. The Deputy Bailiff shall notify other Deputy Bailiffs in the immediate area, the Sheriff's Department and the Chief Bailiff after the situation has been stabilized. The Deputy Bailiff shall, thereafter, prepare an Incident Report and shall submit the Report to the Chief Bailiff.

## V. Field Work

### A. Duties

1. Deputy Bailiffs serve and enforce all court orders. This includes service of summons, subpoenas, warrants, capiases, building and housing code violations, health code violations, zoning code violations, final eviction notices (i.e. "green tags"), court orders and other documents issued by the Court.

### B. General Procedures

1. Deputy Bailiffs assigned to field work are required to:
  - a. Receive documents from the Deputy Supervisor, the Chief Bailiff, the Judge, the Magistrates, or the Clerk of Courts. Prepare the field jacket/envelope by transcribing the information from the summons onto the jacket.
  - b. Prepare the route for most effective and efficient service (including modifications for additions/deletions).
  - c. Begin service of documents pursuant to a prepared route (using Court vehicles unless instructed to use a personal vehicle).
  - d. The Deputy Bailiff shall inspect the vehicle prior to commencement of the day's assignments, shall note any damage on the reverse side of the Cleveland Municipal Housing Court-Duty Log, and should report same to a Deputy Supervisor or Chief Bailiff.
  - e. The Deputy Bailiff shall inspect the inside trunk of the vehicle at the beginning, and at the end, of the Deputy Bailiff's shift for any items that may have been placed inside the trunk of the vehicle during the Deputy Bailiff's shift.
  - f. Deputy Bailiffs assigned to field work shall notify Base 38 via radio when leaving and returning to the Justice Center when commencing and completing field work. Deputy Bailiffs shall communicate with Base 38 for any information the Deputy Bailiff may need in connection with field work activities.

- g. The Deputy Bailiff shall notify Base 38 when and where lunch will be taken. Deputy Bailiffs shall also notify Base 38 when lunch is complete.
  - h. The Warrant Capias Officer shall prepare the Warrant Unit Duty Log or the Process Bailiff's Daily Report, (whichever is appropriate), identifying the arrival time, case number, name and address of defendant and disposition of the warrant or other document.
  - i. At the conclusion of the day's assignments, the Warrant Capias Office(s) shall file the Warrant Unit Duty Log in the Warrant Unit Duty Log Book located in the Bailiffs' office. The Deputy Bailiff shall file the Process Bailiff's Daily Report in the geographically-designated Daily Report Book located in the Bailiff's office.
  - j. There are three geographically designated Daily Report Books representing the Northeast, Southeast and Western areas of the City of Cleveland.
2. Service of Process.
- a. The Court has statewide jurisdiction wherein the subject matter of the action occurred within the boundaries of the City of Cleveland or Bratenahl.
  - b. The Deputy Bailiff shall serve all in-hand service of process directed to an address inside Cuyahoga County and neighboring counties. The method of service is a function of both the type of document to be served and the method of service requested.
  - c. Types of Summons:
    - (i). Housing Code Violation Notices (criminal charge).
    - (ii). Housing, Health, Fire and Building and Zoning Code Tickets (criminal charge).
    - (iii). Civil money claims.
    - (iv). Forcible Entry and Detainer (FED civil eviction).
    - (v). Equitable Relief (restraining orders and temporary injunctions).

- (vi). Probation Violations and Building Code violations.
- d. Types of Writs, Subpoenas and Orders:
  - (i). Writ of Restitution. Results in service of a final eviction notice commonly called a "green tag."
  - (ii). Subpoena. Order directed to a witness to appear before the Court.
- e. Civil Summons: Types of Service of Process:
  - (i). The Deputy Bailiff shall be directed to serve the summons and complaint in one of two ways: by personal service or by residence service.
  - (ii). Personal Service:

When a Deputy Bailiff is instructed to make "Personal Service," the Deputy Bailiff shall hand the complaint and summons to the named individual defendant or shall place the summons and complaint in the physical proximity of the named individual with the clear consent of that individual. Service may be anywhere within Cuyahoga County including the residence or workplace address of the named individual. The party initiating the litigation will, however, specify who is to be served and where that individual is to be served.

A. When a Deputy Bailiff has served the summons and complaint, the Deputy Bailiff shall place the return inside the envelope and document the fact on the envelope that the process was served and shall return the envelope to the inside supervisor for transmittal to the Clerk of Courts. The Deputy Bailiff shall enter the following information on the front side of the envelope:

- \* Date document received by the Bailiff.
- \* Name of individual served.
- \* Case number.
- \* Service type.
- \* Brief description of the document.

- \* Date served.
- \* Signature of Bailiff.

- B. Service Refused: "Service Refused" is a situation where the named individual refuses to physically accept in-hand service of process or refuses to acquiesce in having the process left at the premises. If service is refused, the Deputy Bailiff shall not attempt to complete service of process. The Deputy Bailiff shall retreat from the premises with the process in hand. The Deputy Bailiff shall complete the personal service stamped area on the back side of the last page of the process and the service envelope (each as set forth in the instructions above). The Deputy Bailiff shall indicate that service of process was "refused". (The Civil Rules of Procedure provide for alternative methods of service but the availability of such alternative methods is dependent upon the Deputy Bailiff documenting on the return the fact that service was "refused").
- C. Time and Frequency of Attempted Service: Court documents shall be served in the order of priority in accordance with the most recent court date scheduled for hearing. Commonly referred to as "Hot" court documents. The Deputy Bailiff shall make every effort to make a first attempt to serve court documents, within three (3) days of receiving said document. Summons in forcible entry and detainer actions shall be served at least seven (7) days before hearing.
- D. Service Not Found: Where there is sufficient time, the Deputy Bailiff shall make at least three (3) attempts at personal or residential service. At the time of each failed attempt at personal or residential service, the Deputy Bailiff shall document the failed attempt. If the Deputy Bailiff fails to complete service, the Deputy Bailiff shall

leave the summons at the premises and shall mark the return copy of the summons, "NFID-Not Found in Door. The Deputy Bailiff shall enter the following information on the jacket/envelope:

- \* Date document received by Bailiff.
- \* Name of individual to be served.
- \* Brief description of document.
- \* Explanation as to why the document could not be served (e.g. "not at home").
- \* Signature of Deputy Bailiff.

The Deputy Bailiff may also leave a copy of the process at the address but the return of service is nonetheless made "Not Found."

- E. In a "Not Found" situation, the Deputy Bailiff shall also complete the envelope consistent with the instructions set forth above except that the envelope shall bear an explanation as to why service could not be completed (e.g. "not at home").

(iii). Residence Service:

- A. When a Deputy Bailiff is instructed to make "residence service," the Deputy Bailiff shall hand the summons and complaint to the named individual or upon an individual, other than a person under sixteen years of age or an incompetent person, by serving the individual at the premises. Alternatively, the Deputy Bailiff may place the summons and complaint in the proximity of an individual or upon an individual, other than a person under sixteen years of age or an incompetent person at the premises with the clear consent of that individual.
- B. When the Deputy Bailiff has served the summons and complaint or service has been refused or an attempt at service has resulted

in a "not found" situation, the Deputy Bailiff shall complete the return of service consistent with the provisions set forth above for return of service in personal service situations.

f. Subpoenas: Method of Service

- (i). The Deputy Bailiff shall deliver a copy of the subpoena upon a person named therein by delivering a copy of the subpoena to the person, by reading it to him or her in person, or by leaving it at the person's usual place of residence. The Deputy Bailiff shall tender to the person on demand the fees for one day's attendance and the mileage allowed by law. If the subpoena is for personal service, the Deputy Bailiff shall hand the subpoena to the person to be served. If the person refuses to accept the subpoena, the Deputy Bailiff shall leave the subpoena in proximity to the person to be served. Time of service shall be as specified for service of summons above.
- (ii). Deputy Bailiffs shall be aware of the important distinction between service of a summons and complaint and service of a subpoena:
  - a. Service of a subpoena is deemed complete when the Deputy Bailiff leaves the subpoena at the named individual's residence. The individual need not be home for the subpoena to be served on the individual.
  - b. Service of a summons and complaint is not deemed complete if the summons and complaint are left at an unoccupied house. Service is deemed as incomplete and "Not Found."
- (iii). When the Deputy Bailiff has served the subpoena, the Deputy Bailiff shall endorse that fact on the back side of the return copy of the subpoena. The subpoena shall then be delivered to a Deputy Bailiff Supervisor for transmittal to the Clerk of Court. The Deputy Bailiff shall enter the following information on the endorsement:

Name of subpoenaed party.

Date service made.

Explanation as to how service was accomplished (e.g. "handed to named party; handed to adult son; attached to door").

Signature of Bailiff.

- (iv). "Service refused-"the individual to be served refuses to accept the subpoena and/or raises an objection to the validity of the subpoena (e.g. "fees were not attached"). If the individual refuses the subpoena, the Deputy Bailiff shall, leave the subpoena and shall note on the return the circumstances of the claimed refusal (e.g. "the named individual indicated he was refusing service because fees were not attached").
  - (v). When the Deputy Bailiff has served the subpoena Deputy Bailiff shall also complete and return the envelope consistent with the provisions set forth above for return of service of summons in personal service situations.
- g. Orders: Method of Service
- (i). The Deputy Bailiff shall serve an order of the Court (e.g. temporary restraining order) consistent with any instructions set forth in the order (e.g. personal service or residence service). In the absence of formal instructions, the Deputy Bailiff shall deliver a copy of the order to the person named therein or shall leave such order at the address specified in court records. Time of service shall be as specified for service of summons above.
  - (ii). After the Deputy Bailiff has served the order, the Deputy Bailiff shall complete and return the endorsement of service and envelope consistent with the provisions set forth above for return of service of summons in personal service situations.



- h. Final Eviction Notification ("Green Tag")-Method of Service:
  - (i). The Deputy Bailiff shall serve a Final Eviction Notification, by delivering a copy of the notice to the person named therein or shall leave such writ at the address specified on the face of the writ. The Deputy Bailiff shall note the type of service attained on the Deputy Bailiff's duty log sheet. For an example of a Final Eviction Notification, see, Appendix U on the H drive under the Bailiffs Dept.
  - (ii). The Deputy Bailiff shall make every effort to serve Final Eviction Notices the day after receipt. Defendants are frequently given seven days to vacate the property by the Court.
- i. Violation Notices-(including Building, Housing Health and Fire Code) Method of Service: The Deputy Bailiff shall make three attempts at delivery. If there is no answer on the first attempt, the Deputy Bailiff shall leave a Notice of Attempted Delivery. If on the second attempt there is no answer, the Deputy Bailiff shall mark on their duty log, "no answer." If on the third attempt there is not answer, the Deputy Bailiff shall leave the paperwork at the service address. The Deputy Bailiff shall mark on their duty log and jacket/envelope, "NFID"-(Not Found Left in Door).
- j. Tickets-(including Building, Housing, Health and Fire Code) Method Service: The Deputy Bailiff shall make three attempts at delivery. If there is no answer on the first attempt, the Deputy Bailiff should leave a Notice of Attempted Delivery. If on the second attempt there is no answer, the Deputy Bailiff shall mark, no answer, on their duty log and jacket/envelope. If on the third attempt, there is no answer, the Deputy Bailiff shall mark on their duty log and jacket/envelope, "NFID"-(Not Found Left in Door).

### 3. Warrant/Capias

- a. Warrants and capiases are Court orders commanding that an individual be taken into custody. Warrants and capiases are commonly issued in order to advance a criminal prosecution. A warrant is issued where the Clerk of Court has been unable to obtain service of process on a defendant. A capias is issued where there has been service of process but the individual has failed to appear for the individual's scheduled Court date.
- b. The Judge has the discretion to order an immediate arrest. Where immediate arrest is indicated by the Judge, the Warrant Officer shall collect all of the case files where such action is indicated and shall obtain from the Judge a signed Arrest Directive. The Warrant Officer shall take the case files and directives to the Clerk of Courts, Criminal Division, for the arrest warrant to issue. The Warrant Officer shall then take the arrest warrants to the Bailiff's Office where upon the Chief Bailiff or designee will allocate responsibility for service of the warrants.
- c. Capias Recall Procedure.
  - (i). If the Judge issues a capias because of the defendant's failure to appear, and no immediate arrest is indicated, the Warrant Officer shall collect all case files pertaining to the defendant.
  - (ii). The Warrant Officer shall take the files to the Bailiff's Office where the Deputy Bailiff Supervisor and the Warrant Officer shall review the files to determine whether the defendant shall be contacted by phone.
  - (iii). In the event the Warrant Officer reaches the defendant, the Warrant Officer shall reassign the case for hearing in two to three weeks in accordance with the following schedule:

- Tuesday - West Side Properties having Building or Housing Violations, Building Code Tickets or Housing Code Tickets.
  - Wednesday - All Health cases for both East and West Side Properties. Fire, Contractor and Multi-Unit Properties will also be set for this day.
  - Thursday - East Side Properties having Building or Housing Violations, Building Code Tickets or Housing Code Tickets.
  - Exceptional cases: criminal virtual hearings are scheduled by the administrative assistant to the Judge.
- (iv). The Deputy Bailiff shall create a Journal Entry (JE) with the hearing date and walk the JE up to the Judge or Magistrate for a signature. The JE is then filed with the Clerk of Courts.
- (v). If the Warrant Officer is unable to make telephone contact, or if, having left a message, there is no response within two to three days, the Warrant Officer shall prepare an Arrest Notification. Responsibility for service of the Arrest Notification shall be assigned by the Chief Bailiff or designee. The Notice shall be hand-delivered to the defendant or member of the household or left on the door.
- (vi). At the end of each week, the Warrant Officer shall review all capias cases for the week and shall prepare and mail a "Warrant For Your Arrest Has Been Issued" letter.
- (vii). In the event the issuance of the Arrest Notification or Warrant letter result in contact with the defendant, the case shall be rescheduled consistent with the procedure set forth above.

(viii). If all efforts fail, the Warrant Officer shall await further instruction from Judge for further investigation.

C. Special Considerations

1. **Dangerous Situations.** If, in the process of performing field work, the Deputy Bailiff encounters any dangerous, unusual or unknown situations, the Deputy Bailiff shall immediately contact the Chief Bailiff or Deputy Bailiff Supervisor before taking any further action.
2. **Criminal or Threatening Conduct.** If, in the process of performing field work, the Deputy Bailiff observes or otherwise becomes aware of criminal or other conduct threatening the physical safety of the Deputy Bailiff or any other person, the Deputy Bailiff shall retreat to a secure place without service of the document. The Deputy Bailiff shall immediately contact the police department having jurisdiction in that location, and then contact the Chief Bailiff or Deputy Bailiff Supervisor, for instructions. The Deputy Bailiff shall prepare an Incident Report and shall give a copy of same to his/her supervisor regarding each incident of criminal or threatening conduct. An Incident Report form can be found on the H drive under Bailiff Incident Report.
3. **Questions Regarding Service of Documents.** If, in the process of performing field work, the Deputy Bailiff has questions regarding service, (e.g. who should be served), the Deputy Bailiff shall contact the Deputy Bailiff Supervisor or Chief Bailiff. The Deputy Bailiff Supervisor will access computer data as necessary.

VI. **Evictions**

A. Duties

1. The Deputy Bailiffs are responsible for all phases of physical "put outs" including, but not limited to, evicting through the movers the person(s) named in the writ from the address as indicated in the writ, and restoring the premises to the plaintiff, his agent or other person as named in the writ.
2. Two (2) Deputy Bailiffs shall be assigned to each physical move out. A physical move out is an eviction order that is being enforced by the Court and the landlord's agent is removing the tenant's possessions from the premises.

B. General Procedures

1. Before Site Visitation
  - a. The Deputy Bailiff shall review the move out list for the day, checking for any stays, holds or cancellation and revising the move out schedule as required.
  - b. The Deputy Bailiff shall review the eviction envelopes and make certain that each envelope contains a writ. If a writ is not present, the Deputy Bailiff shall notify the Deputy Bailiff Supervisor or the Chief Bailiff.
  - c. The Deputy Bailiff shall notify Base 38 upon leaving the Justice Center.
  - d. The Deputy Bailiff shall inspect the vehicle to be used for the day's assignments prior to the commencement of the day's assignments. The inspection form is located on the reverse side of the duty log. The Deputy Bailiff shall note any damage on the form, and shall report such damage to a Deputy Bailiff Supervisor or the Chief Bailiff.

- e. The Deputy Bailiff shall inspect the inside trunk of the vehicle at the beginning, and at the end, of the Deputy Bailiff's shift for any items that may have been placed inside trunk of the vehicle during Deputy Bailiff's shift.
- f. The Deputy Bailiff shall list the beginning mileage of their vehicle on the duty log and shall notify Base 38 upon arriving at each move out location.

2. On Site

- a. Deputy Bailiffs shall verify with specificity that the address indicated in the writ matches the address of the eviction site (including verification of apartment number). In the event of any discrepancy with regard to the address, the office shall be notified for further verification and instruction.
- b. Deputy Bailiffs shall prepare the Eviction Duty Log with the arrival time, case number, and address of the Defendant.
- c. Validating the Qualifications of the Mover:
  - (i). The Court requires movers performing Court-supervised move-outs must carry liability insurance in a minimum amount of One Million Dollars (\$1,000,000) and abide by any guidelines adopted by the Court. The Court annually publishes a list of movers meeting the Court's requirements. Landlords are free, however, to select their own mover so long as that mover meets the Court's requirements. Accordingly, if the Deputy Bailiffs encounters a non-previously-approved mover, the eviction crew must review the mover's written proof of insurance prior to permitting the mover to proceed. If the mover cannot produce written proof of insurance or if there is uncertainty as to the adequacy or legitimacy of insurance coverage, the mover shall not be permitted to proceed and the matter shall be referred to the Deputy Bailiff Supervisor for instructions as to how to proceed. The Court does not warrant, license or certify the good standing of a mover with respect to insurance or any

other matter. The contractual relationship between the landlord and the mover is purely a matter between those two entities. Neither the landlord nor tenant should rely upon communications by or from the Court or its personnel concerning insurance coverage or other aspects of the mover's business standing.

- (ii). In the event the owner has an insufficient number of movers, minimum four (4) movers, to accommodate the eviction in the allotted time, the movers fail to appear, or the movers fail to bring the proper equipment, the Deputy Bailiff shall notify the Deputy Bailiff Supervisor for instructions on how to proceed relative to the next scheduled eviction.
  
- d. Deputy Bailiffs shall meet the owner or agent at the eviction site. The property owner should have keys to the premises or have a locksmith or other means of entry on site. In the event the owner or his agent does not have means of access to the property, Deputy Bailiffs are **NOT** permitted to forcibly enter the premises. The owner or individual with credentials acting on behalf of the owner shall initiate any forcible entry. The MOVING Company cannot act as a representative of the landlord or the landlord's agent during a move-out.
  
- e. The Deputy Bailiffs shall instruct the mover when and where to place property removed from the premises described in the writ. As a general rule, property is placed on the tree lawn. The Deputy Bailiff shall obtain authorization from the Deputy Bailiff Supervisor or Chief Bailiff prior to requiring that property is placed in storage.
  
- f. Deputy Bailiffs shall not appropriate for their personal benefit any of the personal property removed to the tree lawn.
  
- g. Deputy Bailiffs shall enter the building and secure the premises. If tenants are not home, Deputy Bailiffs shall search for any weapons or other valuables (e.g., money, jewelry, etc.). See Special Considerations below as to disposition of weapons or valuable property.

- h. Deputy Bailiffs shall maintain peace and order or shall summon police to maintain peace and order during eviction proceedings consistent with the Special Considerations set forth below. Any doubt as to whether the intervention of the Cleveland Division of Police should be sought should be resolved in favor of seeking the police assistance.
- i. Deputy Bailiffs shall note on the eviction jacket and the tow sheet all automobiles towed from an eviction site including the VIN number, make, year, license number, and name of towing company.
- j. Deputy Bailiffs shall remain at the eviction site until the movers are finished.
- k. Deputy Bailiffs shall note on the Eviction Duty Log whenever downtime occurs the duration of the downtime.
- l. Deputy Bailiffs, either individually or collectively, shall notify radio when and where the Deputy Bailiff will be taking lunch. The Deputy Bailiff shall notify radio when lunch is complete.
- m. Deputy Bailiffs shall contact the Deputy Bailiff Supervisor, Base 38 or the Chief Bailiff upon completion of each move-out.
- n. Deputy Bailiff shall advise the Deputy Bailiff Supervisors whether or not property was collected/recovered from the move-out at the completion of the move-out.
- o. Deputy Bailiffs shall note the disposition of the eviction and whether property was recovered on the Eviction Duty Log.
- p. Deputy Bailiffs shall note on the Eviction Duty Log any move out where the landlord was not present. The Deputy Bailiffs shall also note on the eviction log the length of time spent at the eviction address waiting for the landlord.



- q. Upon completion of the eviction, the Deputy Bailiffs shall post an Eviction Notification, see Appendix V on the H drive under Bailiffs' Dept.

3. Post-Eviction

- a. When the eviction scheduled for a given crew has been completed, the Deputy Bailiff shall contact the other eviction crew to assist if required before returning to the Justice Center.
- b. Upon returning to the Justice Center the eviction crew shall deliver the writ returns and eviction envelopes to the office. The Deputy Bailiff Supervisor shall designate which Deputy Bailiff on the eviction crew will result the paperwork in the computer and stamp the end result of the case on the envelope. Writs are to be placed in the basket and returned to the Clerk of Courts.
- c. At the conclusion of the day's assignments, the eviction crew shall file the Eviction Duty Log in the Duty Log Book located in the Bailiffs' Office by the Field Supervisor's desk. The Field Supervisor shall review the eviction log for accuracy.
- d. The Chief Bailiff, or Deputy Bailiff Supervisor shall designate one of the returning eviction crews to be responsible for setting the next day eviction schedules by making phone calls to the landlords between 3pm-4pm. The Deputy Bailiff shall ascertain from the landlord whether or not the scheduled eviction is moving forward. Two schedules shall be made and a copy of each schedule shall be given to each eviction crew, the front desk and the Chief Bailiff the following morning.

4. Postponement of Move Outs

- a. The plaintiff may request a postponement of move out by approaching a Deputy Bailiff or contacting the Deputy Bailiff Supervisor at (216) 664-4765.

- b. If the plaintiff seeks a postponement of move out such that the move out would be enforced within ten (10) days of the date of issuance of the original writ by the Clerk of Courts, the Deputy Bailiff Supervisor shall assign a new move out date within that ten (10) days and shall notify the plaintiff and the Deputy Bailiff with the new date.
- c. If the plaintiff seeks a postponement of move out such that the move out would be enforced more than ten (10) days from the date of issuance of the original writ by the Clerk of Courts, the Deputy Bailiff shall advise the plaintiff that the plaintiff must purchase a new writ from the Clerk of Courts prior to scheduling a new move out date.
- d. The Deputy Bailiff shall note the new move out date, if any, on the move out jacket with the Deputy Bailiff's initials. The full jacket, with writ enclosed, must be returned to the office and appropriately filed. The new move out date shall be updated in the court system.

### C. Special Considerations

1. **Questions Regarding Enforcement.** If, in the process of enforcing the eviction order, the Deputy Bailiff has questions regarding the identity of the party being evicted, the identity of the premises or the appropriateness of proceeding with enforcement, the Deputy Bailiff shall contact the Deputy Bailiff Supervisor or Chief Bailiff. Deputy Bailiff Supervisor shall provide computer data if necessary. In the event this does not resolve the matter, the Deputy Bailiff Supervisor will contact the Civil Division of the Clerk of Courts (2nd floor, Justice Center) and/or the Magistrates' Department.
2. **Threatening Conduct by an Unarmed Individual.** In the event the Deputy Bailiff observes or has knowledge of criminal or other conduct threatening the physical safety of any person and where the perpetrator is **UNARMED**, the Deputy Bailiff shall immediately intervene (arrest the individual) and shall notify the Police Department, field supervisor, and then notify the Chief Bailiff after the situation has been stabilized. The Deputy Bailiff shall prepare an Incident Report and shall give a copy of same to his/her supervisor and Chief Bailiff regarding each incident of threatening conduct.

3. **Threatening Conduct by an Armed Individual.** In the event the Deputy Bailiff observes or has knowledge of criminal or other conduct threatening the physical safety of any person and where the perpetrator is **ARMED**, the Deputy Bailiff shall retreat to a secure place and shall immediately refer the matter to the police department having jurisdiction in that location, and then to the Chief Bailiff. Deadly force may be used only if the subject, through their own actions, poses an imminent threat of death or serious physical harm to the Deputy Bailiff/Warrant Officer or another.

See also the Use of Force Policy governing the use of Deadly Force.

The Deputy Bailiff shall prepare an Incident Report and shall give a copy of same to his/her supervisor and the Chief Bailiff regarding each incident of threatening conduct.

4. **Recovery of Weapons, including but not limited to, BB guns, and other Property, e.g. contraband and explosives.** If the Deputy Bailiff finds firearms, BB guns (airsoft pistol), facsimile of a firearm, contraband and or explosives while at an eviction site or while performing field work, the Deputy Bailiff shall immediately notify Base 38 over radio that the above property was recovered. The Deputy Bailiff shall call Cleveland Division of Police Radio Communications at (216) 621-1234, to request a Cleveland Police Officer to respond to the eviction site or the site where property was recovered. See *General Order 05-20* and *General Order 06-20*. A Property Sheet shall be completed and signed by the Deputy Bailiff who turned over the property to the Cleveland Police Officer. The Cleveland Police Officer who recovered the property shall also sign the property sheet before the Deputy Bailiff leaves the eviction site where the property was recovered.
5. **Recovery of Valuable Property.** If the Deputy Bailiff finds valuable property, the Deputy Bailiff shall contact the Deputy Bailiff Supervisor or Chief Bailiff. Valuable property is defined as cash, negotiable instruments or jewelry which, in the opinion of the Supervisor, has a value of One Hundred Dollars (\$100.00) or more. The Supervisor shall itemize, log and return the valuable property to the Court where the Supervisor shall secure the property in property storage. The Deputy

Bailiff and Deputy Bailiff Supervisor shall complete an Incident Report to be approved by the Chief Bailiff. The Chief Bailiff or Deputy Bailiff Supervisor shall surrender the valuable property to the owner upon proof of ownership. Where valuable property remains unclaimed for a period of forty-eight hours, the Chief Bailiff or Deputy Bailiff Supervisor shall deliver the property to the Cleveland Division of Police.

**Tows:** If the defendant is not present at the time a vehicle is towed from the defendant's property, the Deputy Bailiff shall complete a tow sheet, have the vehicle towed by a towing company that contracts with the city and file the completed tow sheet in the tow book in the Deputy Bailiff's office.

6. **Animals.** If animals have been abandoned at the site of the eviction, Deputy Bailiffs shall notify the Deputy Bailiff Supervisor. The Deputy Bailiff shall notify the proper animal control agency to effect safekeeping of the animal. For dogs; Cleveland City Kennel-216 664-3069. For cats, reptiles and exotic animals: notify the Cleveland City Kennel and the Cleveland City Kennel will contact the Animal Protective League (APL) at 216 771-4616. Deputy Bailiffs shall not contact the APL directly.
7. **Eviction of Elderly or Infirm Individuals or Individuals with Special Needs.** Should the person to be evicted be elderly, infirm, or with other special needs, Deputy Bailiffs shall notify the Deputy Bailiff Supervisor who shall cause the designated social service agency (Dept. of Aging, etc.) to be notified prior to going forward with the eviction. Department of Aging telephone number: 216 664-2833.
8. **Where Person to be Evicted Contests the Eviction.** A tenant may represent that a mistake has been made, that the person named in the eviction action is not the resident or that an order staying the eviction is in effect. In the event the person to be evicted contests the eviction, the Deputy Bailiff shall immediately contact the office for verification of the eviction. The eviction shall not proceed until the legitimacy of the eviction is confirmed.
9. **Medications Found on the Premises with no Tenant Present.** Medications found on the premises with no tenant present at the time of the eviction, shall be recovered by the Deputy Bailiff. The Deputy Bailiff shall immediately notify Base 38 over radio that medication was

recovered from the premises. The Deputy Bailiff shall write an Incident Report, log the medication in the property book and the Deputy Bailiff Supervisor shall drop the medication in the medicine box located at the justice center.

**VII. Critical Incident-Non-use of Deadly Force**

Just as training before a critical incident is crucial, so is the act of debriefing after one. <sup>1</sup> A critical incident is not over after the initial response ends. Assessing how the response went is vital for the Deputy Bailiff's physical and mental health and essential for improving both the Deputy Bailiff and the Bailiffs' Department.

**A. Involved Deputy Bailiffs and Warrant Officer(s)**

1. Hotwash<sup>2</sup>-an informal debriefing is conducted by everyone involved in the incident. All parties to the incident shall discuss and evaluate their performance, strengths and weaknesses of the response to the given event.
2. Formal Debriefing-shall occur, if applicable, in a reasonable time following the incident and shall include all parties, including but not limited to, other agencies on scene and civilian witnesses. At the formal debriefing, the parties shall address long term concerns of the Bailiffs' Department such as training, proper protocol to follow after a critical incident and current policy and procedures.

**B. Incident Report**

1. An Incident Report shall be written by the Supervisor or the most senior Deputy Bailiff/Warrant Officer on scene. The Incident Report shall include the following:
  - The date, time and location of the incident.
  - Parties on the scene.
  - What precipitated the incident.
  - Actions taken by the Deputy Bailiff/Warrant Officer.
  - Evidence, if any, recovered and turned over to the Cleveland Division of Police.
  - Whether medical attention was given to any of the parties on scene.
  - Documentation of all assisting agencies.
2. The Deputy Bailiff/Warrant Officer involved in a critical incident shall be assigned to office duty for three (3) consecutive days and not be assigned to perform field work or assigned to an eviction team during that three (3) day assignment.

### VIII. **Critical Incident-Use of Deadly Force**

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as a result of a Deputy Bailiff/Warrant Officer involved shooting or dies as a result of other action of the Deputy Bailiff/Warrant Officer. The Policy of the Bailiffs' Department is to ensure that Deputy Bailiff/Warrant Officer involved shootings and deaths are investigated in a thorough, fair and impartial manner.

1. Types of Investigations for Deputy Bailiff/Warrant Officer involved shootings and deaths involve several separate investigations that may include:
  - a. A criminal investigation of the suspect's actions.
  - b. A criminal investigation of the involved Deputy Bailiff/Warrant Officer's actions.
  - c. An administrative investigation as to policy compliance by involved Deputy Bailiffs/Warrant Officer(s)
  - d. A civil investigation to determine potential liability.
2. The following shall be considered for the involved Deputy Bailiff/Warrant Officer(s):
  - a. Any request for legal representation<sup>3</sup> will be accommodated.
  - b. Involved Deputy Bailiffs/Warrant Officer(s) shall not be permitted to meet collectively or in a group with an attorney or any representation prior to providing a formal interview or incident report.
  - c. Requests for legal representation from involved non-Deputy Bailiffs/Warrant Officers shall be referred to their employing agency/department.
3. Discussions with licensed attorneys will be considered privileged as attorney-client communications.
4. Discussions with agency representative/employee groups will be privileged only as to the discussion of non-criminal information.
5. A licensed psychotherapist or Ease at Work representative (800) 521-3273 shall be provided by the Court to each involved Deputy Bailiff/Warrant Officer. A licensed psychotherapist may also be provided to any other affected Deputy Bailiff/Warrant Officer, upon request.
6. Interviews with a licensed psychotherapist will be considered privilege.
7. Interviews or sessions with a licensed psychotherapist may take place prior to the Deputy Bailiff(s)/Warrant Officer providing a formal interview or report. However, the Deputy Bailiff(s)/Warrant Officer shall not be permitted to meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

8. A separate "fitness-for-duty"<sup>1</sup> exam may also be required.

## VIII. Office Duties

### A. Duties

1. Deputy Bailiffs provide clerical support for Deputy Bailiff on field assignment, including but not limited to, recording service of papers, keeping appropriate records and statistics, and other document organization, filing, and retention. Deputy Bailiffs schedule move out dates and provide receptionist and telephone information for the office. Deputy Bailiffs provide security, order and decorum as may be necessary.
2. The Warrant Officer and/or the Deputy Bailiff assigned to the Zoom Room shall report to 3D no later than 9:15am, Monday through Friday, and ascertain whether there are Housing Court prisoners present for arraignments. This information shall be documented on the **Daily Arraignment Housing Court Check/Prisoner Log Sheet** located in the Bailiffs' Office on the corkboard.

### B. General Procedures

1. Support for Field Assignments
  - a. The Deputy Bailiff Supervisor and the Deputy Bailiff assigned to the office shall monitor the radio (Base 38) and access information on the computer on behalf of the Deputy Bailiffs assigned to field work or evictions to verify information necessary for the Deputy Bailiffs to carry out their assignments.
2. Support for Eviction Assignments
  - a. Setting up Move-Out Dates
    - (i). Upon presentation of a receipt for purchase of a writ of restitution by a plaintiff, the Deputy Bailiff shall schedule

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<sup>1</sup> Whenever circumstances reasonably indicate that a Deputy Bailiff or Warrant Officer is unfit for duty, the Chief Bailiff, with the authorization from the Judge and Human Resources, may serve that employee with a written order to undergo a physical and or psychological examination in cooperation with Human Resources to determine the level of the employee's fitness for duty.

a date for enforcement of the eviction action. The date shall be the next available date consistent with the Court's order in the particular case and the Court's general plan for deploying its human resources throughout the community. The Deputy Bailiff Supervisor or the Chief Bailiff shall designate the particular area of the City where evictions will be enforced on a given day, with other areas of the City to be serviced on subsequent days. Commercial evictions will generally be enforced on Fridays.

- (ii). "Forthwith" move outs shall be advanced for scheduled move-out over other routine evictions.
  - (iii). The Deputy Bailiff shall provide the plaintiff with a list of approved movers at the time the plaintiff schedules the move out.
- b. Deadlines for Issuance of Writs
- (i). Writs must be executed within ten (10) days of issuance by the Clerk's Office. This date is different from the date of purchase.
  - (ii). A plaintiff may purchase a writ within sixty (60) days of the date of judgment. As long as the writ is purchased within sixty (60) days of the date the judgment was granted, the move out may go forward, even if the move out is set for more than sixty (60) days after the date of judgment.
  - (iii). A plaintiff may not purchase a writ or schedule a move out if the judgment was granted more than one year ago.
  - (iv). To purchase a writ on a judgment greater than sixty (60) days but less than one year ago, a plaintiff must first file a motion for leave to file a writ. The motion forms are available from the Housing Court Specialists. The Court



will then review and rule on the plaintiff's motion, and will notify the plaintiff of the ruling.

- (v). If a plaintiff purchases a writ, and the Court later discovers that the writ was purchased more than sixty (60) days after the judgment was granted, the move out shall be canceled, and the plaintiff shall be instructed to file a motion for leave to file a writ.
- c. Movers performing Court-supervised move outs shall carry liability insurance in a minimum amount of One Million Dollars (\$1,000,000) and abide by any guidelines adopted by the Chief Bailiff. The Court annually publishes a list of movers meeting the Court's requirements. Landlords are free, however, to select their own mover so long as that mover meets the Court's requirements. The Chief Bailiff or, at his or her designation, the supervisor shall be responsible for management of the mover list.
- d. The Deputy Bailiff Supervisor and Deputy Bailiff shall be available to access the computer on behalf of the eviction crew to verify the information necessary for the eviction crew to carry out their assignments. In the event the computer data does not resolve the matter, The Deputy Bailiff or the Deputy Bailiff Supervisor shall contact the Clerk of Courts (Civil Division) and or the Magistrates' Department.

## IX. **Arrest Procedures**

### A. Arrest Situations

1. Deputy Bailiffs may be called upon to effectuate arrests as the result of a court order or because of disruptive conduct in the courtroom or in the field. The arrest of a female prisoner is subject to particular procedures set forth in Section E below that pre-empt other standardized procedures.
2. Except where circumstance warrants, the Deputy Bailiff shall obtain the approval of the Judge prior to making an arrest.
  - a. The Court routinely employs a written Arrest Directive to document the Judge's intention that an arrest take place.



- c. Check all wallets and notebooks looking for weapons or drugs.
  - d. Look for disguised weapons.
  - e. Look for concealed drugs.
  - f. Check the lining of coats and jackets.
  - g. Check the inside of hats, under the hat band.
  - h. Check around the belt line.
  - i. Check the belt.
  - j. Check the buckle.
  - k. Check the shoes or boots.
  - l. Check around his or her neck (hidden cuff keys).
  - m. Check the prisoner's mouth (hidden cuff keys).
4. Advice of Rights: The Deputy Bailiff shall read the prisoner his or her Constitutional Rights. See Appendix T, Advice of Rights (English and Spanish language) on the H drive under the Bailiffs' Dept.

D. Transporting the Prisoner

1. Deputy Bailiffs shall convey the prisoner without unnecessary delay to the place of detention by the most direct route. Prisoners shall be transported by two (2) Deputy Bailiffs.

2. Deputy Bailiffs shall handcuff all prisoners with their hands behind their backs before the prisoners are placed in a vehicle.

If the prisoner has a large body and or is obese, the Deputy Bailiff shall use two (2) sets of handcuffs in order that the prisoner is cuffed behind the back. The Deputy Bailiff shall attach the handcuffs together using one cuff from each handcuff in order to create a longer handcuff chain.

The Deputy Bailiff may handcuff a prisoner with their hands in the front of their body for medical purposes only. The Deputy Bailiff shall exercise caution and due diligence when handcuffing a prisoner's hands in the front of his or her body for their safety and the safety of others.

3. In a vehicle where there is no screen to protect the Deputy Bailiff, the Deputy Bailiff shall place the prisoner on the passenger side of the rear seat with the seat belt engaged and the second Deputy Bailiff shall occupy the space behind the driver.

## E. Transportation of Arrested Females

1. Prior to being placed in a bailiff vehicle, a female prisoner shall be searched.
2. The female shall be searched by a female Deputy Bailiff or female police officer.
3. Preferably two (2) females shall be present when a female is being searched subject to an arrest.
4. A male Deputy Bailiff shall not be present during the search UNLESS there is only one (1) female available for the search and the prisoner is belligerent and is physically aggressive.
5. Male Deputy Bailiffs SHALL NOT search a female prisoner EXCEPT when the male Deputy Bailiff **HAS GOOD CAUSE TO BELIEVE THAT THE FEMALE HAS A WEAPON THAT COULD CAUSE THE DEPUTY BAILIFF SERIOUS PHYSICAL HARM OR DEATH.**
6. If it becomes necessary for a male Deputy Bailiff to search a female prisoner, HE SHALL HAVE ANOTHER PERSON PRESENT AS A WITNESS.
7. If it is not feasible to search a female prisoner prior to transporting her, the female shall be handcuffed with her hands behind her back.
8. If a male Deputy Bailiff is alone and is going to make a physical arrest of a female, he shall request assistance by radio and wait for assistance prior to any physical contact with the female.
9. Deputy Bailiffs are cautioned to keep physical contact with female prisoners to a minimum.
10. When transporting a female, two Deputy Bailiffs should be used for transport.
11. Female prisoners shall be transported to their destination via the shortest route.

12. When transporting a female prisoner, the Deputy Bailiff shall radio communication to Base 38, and the following verbiage shall be used: two-digit radio car number..., " at (exact location) transporting a female prisoner, the mileage is \_\_\_\_ (make sure to include tenths of a mile)." The Deputy Bailiff shall record the car number, the exact time, the mileage, the exact location and the fact that a female prisoner is being transported, on the radio log. When the Deputy Bailiff arrives at his or her destination with the female, the Deputy Bailiff shall call out to Base 38 "car number..., at (exact location), the mileage is \_\_\_\_ (make sure to include tenths)." The Deputy Bailiff shall again enter the car number, time, mileage and location on the radio log.

F. Miscellaneous

1. Any Deputy Bailiff making an arrest for any violation of law shall be responsible for the arrested person from booking to the final disposition by the Court unless such responsibility is accepted by another officer or unit.
2. The Deputy Bailiff shall maintain an accurate and complete record of all persons arrested or served with summons in lieu of arrest. This shall include the identity of the prisoner, the reason for his or her arrest, place of arrest and the identity of the arresting officers. The record shall also include whether the prisoner was booked, released on bond, served a summons, whether a fine was paid and court costs.

X. **Wearing of Uniforms and Personal Appearance and Grooming Regulations**

- A. All members of the Deputy Bailiffs Department are governed by the provisions and regulations of the following set of Dress Code Uniform Regulations and Personal Appearance and Grooming Regulations and strict compliance by all officers and members of the Department is required.
- B. Deputy Bailiffs are the "front line" representatives of the Court. A Deputy Bailiff's outward appearance conveys an impression to the public. A Deputy Bailiff's appearance can influence how the Court is perceived in the greater Cleveland community.
- C. Appropriate grooming conveys an aura of responsibility, which is essential for carrying out the functions of the Court.

D. Regulations Regarding Uniforms

1. Deputy Bailiffs of the Housing Division shall wear the uniforms designated by the Judge of the Housing Division or Chief Bailiff. Such uniform clothing shall be worn only while officially on duty or on assignments, and while traveling directly to and from duty tours and assignments.

No Deputy Bailiff shall wear uniform clothing during any outside/secondary employment activity.

2. No unauthorized emblem or insignia of any kind shall be worn or displayed upon any part of the Division of Housing Deputy Bailiff uniform, nor worn on any item of wearing apparel by any member or employee while on duty.
3. Buckles on uniform belts shall be plain and shall bear no emblem or insignia.
4. Deputy Bailiffs on duty shall be completely and properly uniformed and equipped according to their rank or position and duty to which they are assigned or detailed. When engaged in special duty or when otherwise necessary, Deputy Bailiffs may be permitted to wear civilian clothing, upon approval of the Chief Bailiff.
5. The Warrant /Capias Coordinator shall wear long sleeve or short sleeve black or navy blue polo shirts with badge number inside badge emblem monogrammed to the front of the shirt over the left breast and name (last name, first initial) affixed to the front right side of the polo shirt.
6. Deputy Bailiffs shall wear their uniforms completely buttoned and shall display the badge on the outside of the outermost garment over the left breast.
7. Deputy Bailiffs shall be neat, clean and well-groomed at all times. Uniform and civilian clothes shall be cleaned, pressed and kept in good repair. Shoes shall be shined at all times.

8. There shall be a periodic inspection of uniforms conducted by the Chief Bailiff or Deputy Bailiff Supervisor. Any Deputy Bailiff found not to be in compliance with the uniform of the day may be subject to discipline.
9. The uniform of the day shall be designated by the Chief Bailiff or Deputy Bailiff Supervisor in charge of the unit at the commencement of the Deputy Bailiffs' tour of duty in accordance with the following provisions:
  - a. The Cruiser Style Jacket or Duty Style Jacket shall be worn for outside duty during the months of November, December, January and February and whenever the temperature drops or is anticipated to drop below fifty-five (55) degrees.
  - b. The windbreaker shall be worn for outside duty during March, April, May, September and October and whenever the temperature is sixty-five degrees or is anticipated to drop to that level. The dress blouse or windbreaker need not be worn during any tour of duty when the temperature is above sixty-five (65) degrees.
  - c. The long sleeve shirt shall be the standard and worn for inside duty, and with the Antron Jacket for outside duty during the months of November, December, January, February, March and or when the temperature drops or is anticipated to drop below sixty-five (65) degrees during a given tour of duty.
    - (i) The light blue uniform shirt is designated for all Deputy Bailiffs below the rank of supervisor.
    - (ii) The white uniform shirt is designated for all Deputy Bailiff Supervisors and the Chief Bailiff.
    - (iii) The dark blue (navy blue) long sleeve and short sleeve polo shirt, with the badge emblem monogrammed to the front of the shirt over the left breast and Deputy Bailiff's name (last name; first initial) monogrammed over the right breast, shall be designated for Deputy Bailiffs below the rank of supervisor.

The black long sleeve and short sleeve polo shirt, with the badge emblem monogrammed to the front of the shirt over the left breast and the Deputy Bailiff's name monogrammed (last name; first initial) monogrammed over the right breast, shall be designated for all Deputy Bailiff Supervisors and the Chief Bailiff.

- d. The short sleeve shirt shall be worn for inside or outside duty during the months of April, May, June, July, August, September and October or when the temperature rises or is expected to rise above seventy (65) degrees during a given tour of duty.
- e. The short sleeve polo shirt shall be worn for outside or inside duty during the months of April, May, June, July, August, September, October, or when the temperature rises or is expected to rise above seventy (65) degrees during a given tour of duty.
- f. The dark blue four in hand tie shall be worn with the uniform as follows:
  - (i) Deputy Bailiffs assigned to courtroom security duty shall appear in court in uniform with a long sleeve shirt and tie at all times in all seasons.
  - (ii) Deputy Bailiffs assigned to other inside or outside duty shall wear the long sleeve shirt and tie during the months of November, December, January, February, March and or when the temperature drops or is anticipated to drop below sixty-five (65) degrees during a given tour of duty.
- g. Only regulation trousers shall be worn.
- h. The Court will supply Deputy Bailiffs a winter hat and a summer baseball cap. Wearing of the summer hat is optional. The summer baseball cap may be worn during June, July, August, and October and whenever the temperature is above sixty-five (65) degrees. The winter hat shall be either the winter trooper



cap or knit skull cap. Wearing of the winter hat is required from November through May except when the temperature is above sixty-five (65) degrees. All hats shall be worn with the required Court insignia.

- i. Other uniform clothing shall be subject to the following requirement:
  - (i) Shoes, gloves, overshoes and boots shall be black in color.
  - (ii) Socks, sweaters and scarves shall be black or dark blue in color.
  - (iii) Shoes shall be plain black leather Oxfords without design. Ankle height or over the ankle height type boots may be worn for outside duty during the winter months when such footwear would be appropriate.
  - (iv) Raincoats shall be a black and neon green reversible coat (long or short) with reflection strips.

E. Regulations Regarding Personal Appearance and Grooming

1. The following regulations shall apply to all uniformed Deputy Bailiffs whether assigned to uniformed or civilian dress duty.
2. Deputy Bailiffs shall keep their hair neatly groomed and of a length and bulk which presents a neat, well-kept appearance.
3. No hair style shall interfere with the wearing or proper positioning of the uniform cap.
4. Except as follows, faces shall be clean-shaven:
  - a. Short, neatly trimmed beards and goatees are permitted.
  - b. Short, neatly trimmed mustaches are permitted; however, they shall not extend below the upper lip, be excessively thick or bushy, or extend laterally beyond the corners of the mouth.

- c. Sideburns shall be kept neatly trimmed and their bulk shall not be excessive. Sideburns shall not exceed one inch in width or extend below the lobe of the ear.
  - d. Beards grown for religious purposes are permitted.
- 5. Jewelry while on duty shall be conservative and limited to single stud earrings or small hoop earrings (small hoop earrings for women only) rings, watches, lapel pins, tie clasps and cuff links. Deputy Bailiffs may not wear unusual body adornments or jewelry which presents a safety hazard. The determination of whether such items present a safety hazard shall be made by the Chief Bailiff or supervisor.
  - 6. Moderate use of facial makeup is permissible for uniform wear.
  - 7. Nails shall be neatly trimmed.
  - 8. Civilian dress, when permitted while on duty, shall be of a conservative style, designed for safety and freedom of movement. Civilian dress is subject to the approval of the Chief Bailiff or Deputy Bailiff Supervisor. Civilian dress must comply with the dress code as prescribed in the Housing Court Employee Manual.
  - 9. Exceptions to the dress code and personal appearance regulations shall be permitted only when required for court purposes and must be authorized by the Deputy Bailiff Supervisors with the express approval of the Chief Bailiff.

**XI. Weapons: Authorization; Use and Care; Rules and Reports**

- A. Each Deputy Bailiff shall be evaluated by the Psychiatric Clinic as to their psychological fitness to carry a weapon and be reevaluated every five (5) years.
- B. Deputy Bailiff shall not have a felony or misdemeanor conviction exclusive of traffic and minor misdemeanor offense.
- C. Deputy Bailiff shall submit to and receive a negative test result for alcohol and any illegal substances. See also, The Cleveland Housing Court Personnel Policy Manual, Section 3-5 Pre-Employment Screening.

- D. Each Deputy Bailiff shall have satisfactorily completed the training approved by the Ohio Peace Officers Training Commission.
- E. The Chief Bailiff and the Deputy Bailiff Supervisor shall appoint a range officer to supervise any additional training or updating in the use of firearms.
- F. The Court will supply to the Deputy Bailiffs, weapons, ammunition and holsters. Deputy Bailiffs shall carry and use only such weapons, ammunition and holsters as are approved and furnished by the Cleveland Municipal Housing Court except that Deputy Bailiffs may carry equipment used in outside employment where the use of the equipment has been specifically approved by the Chief Bailiff. A schedule of approved weapons, ammunition and equipment are as follows:
  - Weapon: Glock 17 Semi-Automatic Handgun, Gen 4;
  - Ammunition: 9mm Caliber, Federal Premium 124 grain, hydra-shok type; *exceptions for ammunition* to be made for target practice
  - TASER X26P;
  - ASP Baton; and
  - Pepper Spray Sabre Red Crossfire.
- G. All Deputy Bailiffs authorized by the Court to carry a firearm shall attend target practice at a range designated by the Court at least once every three months and fire a minimum number of rounds as determined by the Chief Bailiff.
- H. All Deputies authorized by the Court to carry a firearm shall attend at least three (3) practice sessions throughout the year and one (1) re-qualifying at a range designated by the Court. Deputy Bailiffs will fire a minimum of 45 rounds.
- I. The range officer or Chief Bailiff shall be responsible for the scheduling and attendance keeping of said target practice.
- J. Armed Deputy Bailiffs shall restrict the use of firearms to only those instances in which there is the need to defend themselves or another against a clear and present danger of the infliction of serious bodily harm or death. See also the Use of Force Policy governing the use of deadly force.
- K. When a weapon is drawn from the holster but not fired:

1. When a Deputy Bailiff draws his/her firearm from its holster while engaged in the performance of his/her duties and in the presence of the plaintiff or defendant or any civilian, a written Incident Report from said Deputy Bailiff must be submitted to the Chief Bailiff before the completion of the Deputy Bailiff's tour of duty. If the Chief Bailiff or a Deputy Bailiff Supervisor is not available, then said Report will be submitted prior to the commencement of the Deputy Bailiff's next tour of duty. The Report shall describe the articulable facts and circumstances as to why the Deputy Bailiff drew his/her firearm from the holster.
  2. Any and all other Deputy Bailiffs present at or witness to said occurrences shall also file a written Incident Report as to their observations of the Deputy Bailiff drawing his or her weapon from the holster.
  3. Failure to file these Reports shall be considered a serious breach of policy and the offending Deputy Bailiff shall be subject to disciplinary action up to and including termination of employment.
- L. When a weapon is drawn from the holster and fired:
1. The Chief Bailiff and the Deputy Bailiff Supervisor shall be immediately notified by telephone. If the shooting occurred during hours when the Deputy Bailiff's Office is closed, the Deputy Bailiff shall contact the Chief Bailiff and the Deputy Bailiff Supervisors on their cellphones or at their respective residences.
  2. If any parties involved, i.e. plaintiffs, defendants, bystanders, or Deputy Bailiffs, are wounded, fatally or otherwise, the police department within whose jurisdiction this action occurred shall be notified and the Deputy Bailiffs involved shall remain on scene (unless they require medical attention) until the jurisdictional police department has completed its investigation.
  3. Written Reports by all Deputy Bailiffs involved shall be completed.
  4. Failure to file these Reports shall be considered a serious breach of policy and the offending Deputy Bailiff shall be subject to disciplinary action up to and including termination of employment.

- M. A Deputy Bailiff shall not use deadly force to effectuate the arrest or prevent the escape of any person.
- N. Armed Deputy Bailiff assignments are confined to the Deputy Bailiffs performing field work and evictions and the Deputy Bailiff shall discharge said duties within the limits set forth and the hours prescribed by the Chief Bailiff.
- O. Deputy Bailiff shall carry their weapons only when on duty or when in transit from the Justice Center to their assignments unless otherwise directed by the Judge.
- P. Deputy Bailiff shall not carry their weapons when going to or from their residences before the commencement of the work day or after the conclusion of the work day.
- Q. Any outside employment of a Deputy Bailiff shall be approved by the Judge and Chief Bailiff. In the event said employment requires the Deputy Bailiff to be armed to act as a security guard, the handgun permit shall be obtained from the proper authority at the request of the employer.
- R. Under no circumstances shall a Court-issued firearm, or other equipment, be used by a Deputy Bailiff for outside employment unless specifically authorized by the Judge.
- S. Armed Deputy Bailiff shall, within twenty-four hours, of an arrest or conviction for any felony or misdemeanor, report such arrest or conviction to the Chief Bailiff. Failure to make such a report shall be considered a serious breach of policy and the offending Deputy Bailiff shall be subject to disciplinary action up to and including termination of employment.
- T. When ordered by the Chief Bailiff, any Deputy Bailiff who is authorized to carry a firearm, shall be subject to testing for use of non-prescribed drugs or intoxication.
- U. On each shift it will be the responsibility of each Deputy Bailiff assigned to a Housing Court Vehicle to insure that there is a copy of this manual in the car.

- V. The outside Deputy Bailiff Supervisor shall also have in his or her possession at all times while in the field, a copy of this manual and shall ensure compliance with all regulations.

## XII. Vehicles

- A. Vehicles owned or leased by the Cleveland Municipal Housing Court shall be adequately maintained in a safe operating condition.
- B. Deputy Bailiffs shall provide and maintain a valid Ohio driver's license with proof of automobile liability insurance.
- C. The Chief Bailiff shall designate a Deputy Bailiff responsible for vehicle maintenance.
- D. The work hours of the Deputy Bailiff assigned to vehicle maintenance may be altered at the discretion of the Court (i.e. Deputy Bailiff may be required to report early to work) in order to accommodate the needs of the assignment.
- E. General Procedures Regarding Vehicle Maintenance
  - 1. No more than one vehicle is to be out of service at a time undergoing maintenance or repair. In the event more than one vehicle requires immediate maintenance, the Deputy Bailiff assigned to vehicle maintenance shall check with the Chief Bailiff before withdrawing more than one vehicle from service.
  - 2. The Deputy Bailiff assigned to vehicle maintenance shall maintain a file for each vehicle. The file shall be located in the Deputy Bailiffs' office and on the H Drive under the Bailiffs' Dept. The file shall contain the Vehicle Maintenance Logs and Vehicle Check Lists generated for the particular vehicle.
  - 3. The need for maintenance or repair of a vehicle will become evident from one of two sources: either through the vehicle maintenance Deputy Bailiff's biannual inspection in March and November of the vehicles or when a Deputy Bailiff becomes aware of the need for maintenance or repair in the course of the Deputy Bailiff's inspection of the vehicle prior to use.

In either case, the Deputy Bailiff becoming aware of the problem shall complete the Vehicle Maintenance Log sheet identifying the vehicle ID, plate number, current mileage and reason for service. The form shall be given to the Deputy Bailiff assigned to vehicle maintenance

who shall arrange for maintenance or repair and who shall complete the form. The completed form shall be retained in the vehicle file.

4. The Deputy Bailiff assigned to vehicle maintenance and a Deputy Bailiff Supervisor shall conduct a monthly inspection on the 23<sup>rd</sup> of each month. If the 23<sup>rd</sup> falls on the weekend or holiday, the Deputy Bailiff and the Deputy Bailiff Supervisor shall conduct the vehicle inspection on the work day before the weekend or holiday. (Note: random inspections of vehicles may be conducted at any time at the discretion of the Chief Bailiff or Deputy Bailiff Supervisors.)

The Deputy Bailiff conducting the inspection shall complete the Vehicle Checklist and verify each of the following:

- a. The inside of the vehicle is clean and free of trash.
- b. The first aid kit is in the vehicle.
- c. The trunk is clean and free of trash and other items.
- d. A can of flea spray is present in each eviction vehicle trunk.
- e. A pack of shoe covers.
- f. Each vehicle has a map and information book. The contents of the book shall include the following documents:
  - (i). Here's What To Do If You're Involved In a Crash
  - (ii). Motor Vehicle Accident Report
  - (iii). Inter-Office Telephone Directory
  - (iv). Phone Numbers for Eviction Bailiffs
  - (v). How to Arrange a Move-Out
  - (vi). Automated Fuel Dispensing Locations
  - (vii). List of U-Haul Type Rental Agencies



(viii). Telephone Directory for Community Resources

(ix). Section Maps of City

5. The checklist shall be retained in the vehicle file and on the H Drive under Vehicle Checklist.

### XIII. Mileage

- A. A Deputy Bailiff shall not use a personally-owned vehicle for Court business unless authorized or instructed to do so by the Chief Bailiff.
- B. A Deputy Bailiff seeking to be reimbursed for mileage expense in connection with the use of a personally-owned vehicle shall complete and submit to the Chief Bailiff a Mileage Report. The Chief Bailiff will submit the Mileage Report to the Chief Court Administrator.

XIV. **APPENDIX**-See H Drive under Bailiffs' Dept. Deputy Bailiffs' Department Manual.

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<sup>1</sup> <https://www.policeforum.org/post-critical-incident>

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<sup>2</sup> Hotwash-is the immediate “after-action” discussions and evaluations of an agency’s performance following and exercise, training session, or major event. A hotwash includes all the parties that participated in the exercise or response activity. wikipedia

<sup>3</sup> Legal representation shall be provided by the Court at the onset of the request by the Deputy Bailiff/Warrant Officer involved in a critical incident unless or until it is determined the Deputy Bailiff/Warrant Officer was acting or acted outside his/her scope of employment.

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
FIT 22-01  
HOM 22-10  
22-024387

DATE OF THIS REPORT: February 4, 2022

**SUBJECT OR CRIME: Felonious Assault on Peace Officer On Duty/Police Intervention (Foreign Agency)/Shooting/Abated by Death**

|   |   |              |                                |                 |                  |            |
|---|---|--------------|--------------------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks                                      | <b>ADDRESS</b><br>1200 Ontario Street         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 West 96 <sup>th</sup> Street | <b>TYPE OF PLACE</b><br>Hallway               |              | <b>ZONE</b><br>1-6             |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 Hours             | <b>DATE OF OCCURRENCE</b><br>January 27, 2022 |              | <b>DAY OF WEEK</b><br>Thursday |                 |                  |            |

On Friday, February 4, 2022 while I was assigned as a Supervisor in the Cleveland Police Homicide Unit, car 8183 I had the occasion to follow up on the above captioned matter. Below is the result of the follow up.

I received a phone call from Assistant Attorney General Micah Ault from the Ohio Attorney General's Office Special Prosecutions Section. AAG Ault informed me that he was assigned as the Special Prosecutor pursuant to a request from the Cuyahoga County Prosecutor's Office. All correspondence relating to this investigation will be directed to AAG Ault.

Members of the FIT were advised.

**TO BE FURTHER INVESTIGATED**

Page 1 of 1

*Sgt. Aaron Reese*

|   |                                |                            |   |
|---|--------------------------------|----------------------------|---|
| <b>INVESTIGATING OFFICERS</b><br>Sgt. Aaron Reese #9266   | <b>PLATOON</b><br>A            | <b>CAR</b><br>8183         | <b>APPROVED BY</b><br><i>CAK 8947</i>   |
| <b>WEATHER</b><br><input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | <b>TEMP</b>                    | <input type="radio"/> WIND | <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE<br><input type="checkbox"/> NOT REQUESTED |
| <b>ASSIGNMENT RECEIVED FROM:</b><br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> Det. Bur.         | <b>TIME ASSIGNED COMPLETED</b> |                            |   |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
FIT 22-01  
HOM 22-10  
22-024387

DATE OF THIS REPORT: April 18, 2022

**SUBJECT OR CRIME: Felonious Assault on Peace Officer On Duty/Police Intervention (Foreign Agency)/Shooting/Abated by Death**

|   |   |              |                                |                 |                  |            |
|---|---|--------------|--------------------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks                                      | <b>ADDRESS</b><br>1200 Ontario Street         | <b>PHONE</b> | <b>AGE</b><br>53               | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 West 96 <sup>th</sup> Street | <b>TYPE OF PLACE</b><br>Hallway               |              | <b>ZONE</b><br>1-6             |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 Hours             | <b>DATE OF OCCURRENCE</b><br>January 27, 2022 |              | <b>DAY OF WEEK</b><br>Thursday |                 |                  |            |

On Monday, April 18, 2022 while I was assigned as a Supervisor in the Cleveland Police Homicide Unit, car 8183 I had the occasion to follow up on the above captioned matter. Below is the result of the follow up.

I received a phone call from Assistant Attorney General Laura Ann Dezort from the Ohio Attorney General's Office Special Prosecutions Section. AAG Dezort informed me that she was now assigned as the Special Prosecutor relating to this matter.

I was not in the Office at the time of this call and we agreed to discuss this matter on Tuesday, April 19, 2022.

**TO BE FURTHER INVESTIGATED**

Page 1 of 1

|   |   |  |                                |  |
|---|---|--|--------------------------------|--|
| <b>INVESTIGATING OFFICERS</b><br>Sgt. Aaron Reese #9266 |   | <b>PLATOON</b><br>A  | <b>CAR</b><br>8183             | <b>APPROVED BY</b><br><i>CA. B. 6/4/22</i> Lt                      |
| <b>WEATHER</b>  | <input type="checkbox"/> CLEAR<br><input type="checkbox"/> CLOUDY | <input type="checkbox"/> RAIN<br><input type="checkbox"/> SNOW | <b>TEMP</b>                    | <input type="checkbox"/> A.I.U.<br><input type="checkbox"/> S.I.U. |
| <b>ASSIGNMENT RECEIVED FROM:</b>                        |   |  | <b>TIME ASSIGNED COMPLETED</b> |  |
| <input type="checkbox"/> RADIO                          | <input type="checkbox"/> DISTRICT                                 | <input type="checkbox"/> Det. Bur.                             |                                |  |

**SUPPLEMENTARY REPORT  
CLEVELAND POLICE DEPARTMENT**

COMPLAINT NUMBER  
FIT 22-01  
HOM 22-10  
22-024387

DATE OF THIS REPORT: April 22, 2022

**SUBJECT OR CRIME: Felonious Assault on Peace Officer On Duty/Police Intervention (Foreign Agency)/Shooting/Abated by Death**

|   |   |                                |                    |                 |                  |            |
|---|---|--------------------------------|--------------------|-----------------|------------------|------------|
| <b>VICTIM:</b><br>Paul Marks                                      | <b>ADDRESS</b><br>1200 Ontario Street         | <b>PHONE</b>                   | <b>AGE</b><br>53   | <b>SEX</b><br>M | <b>RACE</b><br>W | <b>M/S</b> |
| <b>ADDRESS OF OCCURRENCE</b><br>1940 West 96 <sup>th</sup> Street | <b>TYPE OF PLACE</b><br>Hallway               |                                | <b>ZONE</b><br>1-6 |                 |                  |            |
| <b>TIME OF OCCURRENCE</b><br>Approximately 1125 Hours             | <b>DATE OF OCCURRENCE</b><br>January 27, 2022 | <b>DAY OF WEEK</b><br>Thursday |                    |                 |                  |            |

On Friday, April 22, 2022 while I was assigned as a Supervisor in the Cleveland Police Homicide Unit, car 8183 I had the occasion to follow up on the above captioned matter. Below is the result of the follow up.

I spoke with Assistant Attorney General Laura Ann Dezort from the Ohio Attorney General's Office Special Prosecutions Section. We discussed the status of the investigation. I informed AAG Dezort that we were waiting on DNA and Firearm testing.

I emailed Sgt. Ball to request that AAG Dezort and Michael Perez, a Paralegal from the Special Prosecutions Section be granted access to the WCS video on Evidence.com.

Det. Cindy Pivarnik #2058 pulled the Notebook with handwritten notes from the Property Unit. She copied the contents of the Notebook and returned it to the Property Unit.

I had Analyst Vesna Piscatello copy the flashdrive containing the cellphone extraction so that it can be given to AAG Dezort for review.

Michael Perez made plans to come to the Homicide Unit on Tuesday, April 26, 2022 to pick up the Work File to copy.

**TO BE FURTHER INVESTIGATED**

Page 1 of 1

*Sgt. Aaron Reese*

|   |                                   |                                   |  |
|---|-----------------------------------|-----------------------------------|--|
| <b>INVESTIGATING OFFICERS</b><br>Sgt. Aaron Reese #9266   | <b>PLATOON</b><br>A               | <b>CAR</b><br>8183                | <b>APPROVED BY</b><br><i>CAH 82147 Lt.</i>   |
| <b>WEATHER</b><br><input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN<br><input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW | <b>TEMP</b> <input type="radio"/> | <b>WIND</b> <input type="radio"/> | <input type="checkbox"/> A.I.U. <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE<br><input type="checkbox"/> S.I.U. <input type="checkbox"/> NOT REQUESTED |
| <b>ASSIGNMENT RECEIVED FROM:</b><br><input type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> Det. Bur.         | <b>TIME ASSIGNED COMPLETED</b>    |                                   |  |