REPORT AND RECOMMENDATION

September 10, 2018

Background

On August 7, 2018, the University began an investigation into allegations that an Assistant Football Coach may have engaged in domestic violence. The University immediately identified and interviewed pertinent witnesses including, Athletic Director Ron Strollo; Head Football Coach Bo Pelini; Assistant Football Coach Richard K. McNutt, Jr; Director of Football Operations John Murphy; Associate Athletic Director Elaine Jacobs; Associate Athletic Director Emily Wollet; Assistant Director of Football Operations Rollen Smith; and LaToya McNutt, wife of Richard McNutt. In addition to these interviews, the University obtained copies of two (2) Detail Call Sheets, one (1) Incident/Offense Report from the Canfield Police Department dated 3/22/2018, 4/04/2018, and 4/07/2018 respectively, and a copy of a Civil Order of Protection issued by the Mahoning County Court on April 19, 2018 (see attached Exhibits A-D respectively).

In conjunction with this investigation, Richard McNutt, Jr. was placed on Administrative Leave on August 24, 2018 and directed to immediately contact the Employee Assistance Program for assessment while the University concluded its findings.

Summary of Findings

On August 7, 2018 the YSU Athletic Department received information that the University might have a domestic violence reporting issue. Thereafter, the Office of Human Resources began an investigation supported by the Office of Equal Opportunity and Policy Development regarding the off-campus behavior of Assistant Football Coach Richard McNutt,

Jr. and possible policy, reporting, and/or contract violations which might have occurred relative to this issue.

The University's investigation demonstrated that Mr. McNutt had generally informed Athletic Director Strollo and Coach Pelini about his marital issues, his ongoing divorce, and conflicts between him and his wife regarding child visitation. It was also shown that in discussing his career with President Tressel, Mr. McNutt had informed President Tressel of the possible breakdown of his marriage. In response to this information Athletic Director Strollo, Coach Pelini and President Tressel encouraged Mr. McNutt to avoid any conflicts with his wife and to focus on his work.

The investigation also established that while Athletic Department staff was aware that Mr. McNutt was having marital issues; the University had no indication of any possible domestic violence issues involving Mr. McNutt, until self- reported in early 2018. The University did not receive copies of the police reports at the time of the self-report. These reports include the existence of the two (2) Police Detail Call Sheets and one (1) Police Incident/Offense Report. No arrest was made and no charges were brought as a result of these police reports. Although the University only became aware of these documents during the course of this investigation; these documents, the Civil Order of Protection and information available to University staff was reviewed in order to assess possible policy, reporting, and/or contract violations, the University's response to this situation and any future changes to University policy and contract language.

Conclusion

The University conducted its due diligence and reviewed the facts and application of the relevant rules, laws and contract language, and found there were no clear violations of university

policy, contract language or law regarding University personnel. However, while there were no clear violations, the University's Workplace Violence policy provides guidance on how the university should respond to potential indicators of violence.

1) Contractual Requirements

The facts establish that the incident which occurred on April 7, 2018 was the only incident that potentially required reporting. This incident was reported by McNutt to Pelini and then to Ron Strollo. The employment contracts of Richard McNutt, Bo Pelini and Ron Strollo were reviewed to determine whether any reporting obligations were violated. The contract of the Head Coach requires that the Coach report any significant or intentional violation of University Rules or Governing Athletic rules or NCAA rules. A review of those rules and the facts of this matter show that no reporting violations occurred.

In fact, Coach Pelini did report to the Athletic Director Ron Strollo in April and around the same time as the incident occurred. Coach Pelini also counseled McNutt against engaging in further domestic confrontation. However, no further steps were taken in reliance upon the fact that law enforcement made no arrest nor brought criminal charges against Mr. McNutt.

In addition, the Head Coach contract required that the Coach be responsible for requiring that direct staff not engage in conduct that reflects adversely on the University and that when necessary, the Head Coach would issue appropriate discipline. The Assistant Coach's appointment letter, as well as all Professional /Administrative Employees and the Athletic Director have appointment letters that also require that these employees not engage in behavior that would bring public disrepute upon the University. The actions of Mr. McNutt which resulted in police intervention bring this requirement into question and is of concern.

2) **YSU Policies**

a.) **3356-7-04 *Workplace Violence, threats and disruptive behavior***

YSU's Workplace Violence policy defines "workplace threats or violence" as conduct against persons or property that is sufficiently severe or intimidating to reasonably interfere with the normal activities or functioning of the workplace. The "Workplace" is defined as any university-owned or controlled property or university service or event. The policy focuses on prohibiting violence in the workplace or any violence that may interfere with the functioning of the workplace. The policy requires that employees who are victims of workplace violence report the incident. The policy does not require employees to report domestic violence occurring outside of the workplace.

While no duty to report exists, this policy does require education, response and prevention measures initiated by the Office of Human Resources to "[p]roactively respond to potential indicators of violence or abuse by referring affected individuals to available resources provided by the university." The policy requires that the Office of Human Resources evaluate reported incidents of threatening behavior, conduct investigations, refer employees to the Employee Assistance Program, implement discipline and create individualized safety plans. This policy also requires that the University act to maintain a safe work environment and goes further to include educating, responding and preventing family and relationship violence. Therefore, reports of domestic violence or potential domestic violence made to the Office of Human Resources will be addressed pursuant to this policy. Again, while the policy mainly focuses on workplace violence and employee/victims of domestic violence; the policy requires an appropriate and prompt response to *any* violence or threat of violence. This policy will be

reviewed to determine whether more clear direction should be provided to employees in instances where YSU employees may be engaging in domestic violence off campus.

b.) 3356-2-03.1 *Sexual misconduct policy*

The University policy prohibits all forms of sexual misconduct including domestic violence, in any university program or activity. The policy applies to students, faculty, employees, volunteers and third parties, campus visitors, or other individuals engaged in any university activity or program, regardless of sexual orientation or gender identity, and whether on or off campus. However, this policy does not apply to reporting domestic violence in situations that do not affect university activities and programs. Again, suspected abuse, even off campus may be reported to the Office of Human Resources pursuant to the Workplace Violence policy referenced above but does not fall within the scope of the University's Title IX policy on Sexual Misconduct.

3) Arrest/Charges Not Definitive

There is a common belief that when law enforcement does not arrest and/or bring charges of domestic violence against an individual, no further obligation exists on the part of the university. However, the triggering event for reporting or taking some type of action relative to domestic violence should not be whether law enforcement makes an arrest or brings charges against an individual. It has been well-established that in domestic violence and sexual assault cases victims are often reluctant to pursue charges or to even call the police. So, clearly, those indicators should not be the deciding factors for determining when to take action and what action to take.

4) University Culture

Finally, as University culture evolves regarding attitudes toward campus sexual assault and the efforts being taken to change the perceptions and eliminate or reduce sexual assault, the University must hold itself accountable, as well as its employees and students. The University has worked to create policies and procedures that are fair and that address these complicated issues including; what are the responsibilities of the University, its employees and students regarding reporting; what are the appropriate responses and accountability; what duty is owed and to whom that duty is owed; and how to balance these issues with what is realistic for a University to accomplish. With that said, the University is working to address campus issues of sexual inequality and sexual assault. Violence toward others and violence as a means of communication cannot and is not tolerated. While no policy or rule has been clearly violated; the spirit and intention of the rule on Workplace Violence has been violated. If we don't want our employees to suffer from domestic violence, then we certainly do not want them to engage in it.

Recommendation

The Office of Human Resources makes the following recommendations:

1) That Mr. McNutt has been on administrative leave with pay since August 22, 2018 and has not participated in the first two weeks of this football season, including the first two games.

2) That Mr. McNutt serve an unpaid suspension from September 10, 2018 through September 15, 2018, including being suspended from the third YSU Football Game on Saturday, September 15, 2018. During this period, Mr. McNutt will complete a course of training and professional development, as part of the University Assistance Program, during this suspension period; and

3) That Mr. McNutt return to work on September 16, 2018 under an Agreement of Conditions of Continued Employment. This written Agreement will describe the conditions that must be met in order for Mr. McNutt to return to work and to maintain his position as Assistant Coach at YSU. The conditions will include that no incidents of domestic violence or violent behavior occur either off campus, on campus or while engaging in a program or activity of YSU regardless of the location; and

4) That Mr. McNutt continue with the Employee Assistance Program as per the recommendation of Impact Solutions; and

5) That the Athletic Department staff receive additional training on sexual assault, domestic and workplace violence (per Section 6 below), as well as additional management/coaching training; and

6) That the University/Office of Human Resources work with the Equal Opportunity and Policy Compliance Office to review the above referenced policies, any other relevant policies, and university-wide training relative to sexual assault and workplace and domestic violence to clarify the reporting responsibility of all employees and managers and to update the training on these programs. The University will then provide additional training on sexual assault and workplace and domestic violence to all University employees, including Athletic Department staff.

A

Canfield Police Department

Run: 8/15/2018 10:53:05 **DETAIL CALL SHEET** Page 1 of 3

Call No.: 18 0000002140 Type: Persons Report Date/Time 03/22/2018 18:06:11

Incident Call Taker Done
Address: Suite:

Cross St./Intersect.: [redacted]
Caller:
Address: Suite:

Contact: Phone:
How Radio:
Received: 1 Beat/Dist: 2 Disposition: Information Taken for Incident
Report No.: Fire Report No.: EMS Report No.:

Dispatcher: 1575 ESN: Map Ref:

Comments: HUSBAND CALLED AND SAID HE'S COMING TO THE HOUSE/THEY HAVE MUTUAL RESTRAINING ORDER ON EACH OTHER THAT WERE SERVED WITH DIVORCE PAPERS.

CALLER HOME WITH THE KIDS. MALE DOESN'T HAVE ANY WEAPONS THAT SHE'S AWARE OF.

CALLER SAID IT'S OKAY FOR HIM TO PICK UP THEIR KIDS, OR DROP OFF PAPERS, ETC BUT SHE DOESN'T WANT HIM HANGING OUT AT THE HOUSE, LIKE HE INSINUATED HE WAS GOING TO DO.

CAR IS A SILVER CHEVY MALIBU. HIS NAME IS RICHARD MCNUTT.
CALLER SAID MALE HAS NEVER LIVED AT THIS ADDRESS WITH HER/THEY ARE STILL MARRIED.
SHE'S UNSURE WHERE HE'S LIVING, DIVORCE PAPERS WERE SERVED AT HIS PLACE OF EMPLOYMENT, (YSU).

Disposition Comments: OFFICERS SPOKE TO BOTH THE MALE AND THE FEMALE. MALE HALF LEFT THE RESIDENCE.

ON 03-22-2018 I, OFFICER A. YOUNG WAS WORKING UNIFORMED PATROL IN MARKED CRUISER #1008. AT APPROXIMATELY 1806 HOURS, I ALONG WITH OFFICER SWEENEY (CRUISER #1006), WERE DISPATCHED TO [redacted] IN REFERENCE TO A MALE BEING AT THE RESIDENCE THAT THE HOMEOWNER HAD A RESTRAINING ORDER FILED AGAINST.

THE CALLER, LATOYA S. MCNUTT, ADVISED DISPATCH THAT HER SOON TO BE EX-HUSBAND, RICHARD K. MCNUTT JR., WAS AT THE HOUSE AND SITTING IN HIS VEHICLE IN THE DRIVEWAY. MRS. MCNUTT ADDED THAT THERE IS A RESTRAINING ORDER IN PLACE AND THAT MR. MCNUTT IS NOT PERMITTED TO COME INTO THE RESIDENCE. MRS. MCNUTT ALSO ADVISED THAT SHE FILED FOR DIVORCE FROM MR. MCNUTT AND THAT THEY WERE CURRENTLY IN SAID PROCESS.

UPON ARRIVAL, OFFICERS MET AND SPOKE WITH MR. MCNUTT IN THE DRIVEWAY OF THE RESIDENCE. MR. MCNUTT ACKNOWLEDGED THAT THERE WAS IN-FACT A RESTRAINING ORDER IN PLACE BUT THAT HE WAS NOT IN VIOLATION OF IT BY BEING IN THE DRIVEWAY OF THE RESIDENCE. MR. MCNUTT ADDED THAT THE ORDER ALLOWS HIM TO BRING ITEMS TO THE RESIDENCE FOR HIS CHILDREN AND TO TAKE THE CHILDREN FROM THE RESIDENCE FOR VISITATION PURPOSES.

MR. MCNUTT ADVISED THAT HE ONLY CAME TO THE RESIDENCE THIS EVENING BECAUSE IT WAS HIS SON'S MCNUTT) BIRTHDAY AND THAT HE WAS THERE TO DROP OFF BIRTHDAY GIFTS. MR. MCNUTT ALSO WANTED TO GIVE HIS DAUGHTER (MCNUTT) HER CELL-PHONE.

MR. MCNUTT THEN ADVISED THAT HE DID NOT WISH TO STAY AT THE RESIDENCE ANY LONGER DUE TO THE POLICE BEING CALLED. MR. MCNUTT LEFT THE BIRTHDAY GIFTS IN THE DRIVEWAY AND ASKED THAT I GIVE HIS DAUGHTER HER CELL-PHONE FOR HIM. MR. MCNUTT THEN LEFT THE RESIDENCE WITHOUT INCIDENT.

AT THIS TIME OFFICERS WENT INTO THE RESIDENCE TO SPEAK WITH MRS. MCNUTT. DURING THIS TIME MRS. MCNUTT ADVIVSED THAT MR. MCNUTT IS PERMITTED TO THE RESIDENCE TO DROP OFF ITEMS AND TO PICK UP THE CHILDREN. MRS. MCNUTT ADDED THAT SHE CALLED THE POLICE BECAUSE WHILE SHE WAS ON THE PHONE WITH MR. MCNUTT HE BEGAN TO YELL AND STATED THAT HE WAS COMING TO THE RESIDENCE. MRS. MCNUTT ADVISED THAT SHE CALLED THE POLICE BECAUSE SHE WAS IN FEAR OF HIM INSIDE THE RESIDENCE, WHICH HE IS NOT PERMITTED TO DO.

LASTLY, MRS. MCNUTT REQUESTED THAT THE INCIDENT ONLY BE DOCUMENTED AND THAT NO POLICE REPORT BE FILED. THE CELL-PHONE AND BIRTHDAY GIFTS WERE TURNED OVER TO MRS. MCNUTT AND OFFICERS CLEARED THE SCENE.

GOG: DISPATCH ACTIONS:
1. Determine location where report is needed.
2. Determine type of report.
3. Determine if there is anything that would make this a higher priority call (threats, etc.)
4. Dispatch an available police unit.

Equipment:

Alerts: MA - AUTOMATIC MUTUAL AID:
BOARDMAN ENGINE (330-726-4155)
AUSTINTOWN ENGINE (330-799-9721) - Expiration Date:

Range: From: 230 To: 255

Unit	Car No.	Date	Time	Status	Log Entry
_INCD		03/22/18	18:06:11	INC	Persons Report - 250.0 HUSBAND CALLED AND SAID HE'S COMING TO THE HOUSE/THEY HAVE MUTUAL RESTRAINING ORDER ON EACH OTHER THAT WERE SERVED WITH DIVORCE PAPERS. CALLER HOME WITH THE KIDS. MALE DOESN'T HAVE ANY WEAPONS THAT SHE'S AWARE OF. CALLER SAID IT'S OKAY FOR HIM TO PICK UP THEIR KIDS, OR DROP OFF PAPERS, ETC BUT SHE DOESN'T WANT HIM HANGING OUT AT THE HOUSE, LIKE HE INSINUATED HE WAS GOING TO DO. CAR IS A SILVER CHEVY MALIBU. HIS NAME IS RICHARD MCNUTT. CALLER SAID MALE HAS NEVER LIVED AT THIS ADDRESS WITH HER/THEY ARE STILL MARRIED. SHE'S UNSURE WHERE HE'S LIVING, DIVORCE PAPERS WERE SERVED AT HIS PLACE OF EMPLOYMENT, (YSU).
126	1008	03/22/18	18:07:40	Dispatched	
126	1008	03/22/18	18:07:40	EnRoute	

137	1006	03/22/18 18:07:50 Dispatched	
137	1006	03/22/18 18:07:50 EnRoute	
137	1006	03/22/18 18:12:52 On Scene	
126	1008	03/22/18 18:12:54 On Scene	
126	1008	03/22/18 18:13:50 20	HCC6621
126	1008	03/22/18 18:13:50 20	HCC6621
126	1008	03/22/18 18:15:16 6	
126	1008	03/22/18 18:17:38 I	HAVE CALLER COME TO DOOR. 137 IS GOING TO SPEAK TO HER
126	1008	03/22/18 18:26:51 6	MALE HALF HAS LEFT
137	1006	03/22/18 18:36:31 Cleared	
126	1008	03/22/18 18:48:11 Cleared	
126	1008	03/22/18 19:08:05 Dispatched	
126	1008	03/22/18 19:08:21 11	
126	1008	03/22/18 21:18:37 Cleared	

Persons Involved:

Name	Address	Type
Mcnutt Richard K		PART
McNutt Latoya Sheri		COMP

B

Run: 8/15/2018 10:53:24

Canfield Police Department

DETAIL CALL SHEET

Call No.: 18 0000002506 Type: Disturbance

Date/Time 04/04/2018 18:35:20
Call Taker Done

Incident Address:

Cross St./Intersect.: [redacted]

Caller: SPRINT

Address: 6101 S RACCOON RD - W SECTOR
CANFIELD TWP OH 44502

Suite:
Phone: [redacted]
Radio:

Contact:

How Received: 911

Beat/Dist: 2

Report No.:

Fire Report No.:

Disposition: Information Taken for Incident

EMS Report No.:

Dispatcher: 3279

ESN:

Map Ref:

Comments: CALLER'S ESTRANGED HUSBAND ARRIVED AT THE RESIDENCE FOR THEIR DAUGHTER'S BIRTHDAY AFTER BEING ADVISED NOT TO SHOW UP AND IS REFUSING TO LEAVE.
MALE IS WAITING IN THE DRIVEWAY IN A SILVER CHEVY MALIBU
MALE: RICHARD MCNUTT
DARK SKIN BLACK MALE, BALD, APPROX, 5'11" WITH ATHLETIC BUILD
NEGATIVE WEAPONS (THAT CALLER IS AWARE OF)

Disposition Comments: NO ALTERCATION TOOK PLACE, PRECAUTIONARY CALL. MALE LEFT VOLUNTARILY UPON OFFICERS ARRIVAL AND ADVISING HIM OF THE COMPLAINT.
FEMALE WAS ADVISED TO CONSULT HER ATTORNEY AND FIND ALTERNATE MEANS FOR REGULATING VISITS TO THE RESIDENCE.

GOG: DISPATCH ACTIONS:

1. Determine location and phone number of caller.
2. Dispatch at least 2 police units.
3. Determine what type of disturbance is going on.
   What is happening? Who is involved? How many? Are they armed? etc.
4. Keep caller on phone ***if safe for them to do so.
5. If anyone flees, get person and vehicle descriptions.

Equipment:

Alerts: MA - AUTOMATIC MUTUAL AID:
BOARDMAN ENGINE (330-726-4155)
AUSTINTOWN ENGINE (330-799-9721) - Expiration Date:

Range: From: 230 To: 255

Unit	Car No.	Date	Time	Status	Log Entry

_INCD		04/04/18 18:35:20 INC	Disturbance - 250.0 - SPRINT,

- CALLER'S ESTRANGED HUSBAND ARRIVED AT THE RESIDENCE FOR THEIR DAUGHTER'S BIRTHDAY AFTER BEING ADVISED NOT TO SHOW UP AND IS REFUSING TO LEAVE.
MALE IS WAITING IN THE DRIVEWAY IN A SILVER CHEVY MALIBU
MALE: RICHARD MCNUTT
DARK SKIN BLACK MALE, BALD, APPROX, 5'11" WITH ATHLETIC BUILD
NEGATIVE WEAPONS (THAT CALLER IS AWARE OF)

114	1003	04/04/18 18:37:31 Dispatched	
114	1003	04/04/18 18:37:31 EnRoute	
136	1006	04/04/18 18:37:31 Dispatched	
136	1006	04/04/18 18:37:31 EnRoute	
114	1003	04/04/18 18:38:17 On Scene	
114	1003	04/04/18 18:38:29 20	HCC6621
114	1003	04/04/18 18:41:06 6	
136	1006	04/04/18 18:41:57 On Scene	
114	1003	04/04/18 18:43:46 I	MALE PARTY IS LEAVING AT THIS TIME. I'LL BE SPEAKING WITH THE COMPLAINANT.
114	1003	04/04/18 18:55:03 6	
136	1006	04/04/18 18:55:03 6	
114	1003	04/04/18 19:27:59 Cleared	
136	1006	04/04/18 19:28:01 Cleared	

Persons Involved:

Name	Address	Type
McNutt Latoya Sheri		COMP
Mcnutt Richard K		PART

CITY OF CANFIELD
POLICE DEPARTMENT

C

18-1043

Charles S. Calucci, Chief of Police

The attached public records request has been prepared by the City of Canfield Police Department in accordance with the Ohio Public Records Act, ORC 149.43. Redaction(s) have been made due to the statutory exception(s) listed below:

- [x] 1) Personal Information*ORC 149.43(v), Federal Privacy Act, State ex rel. Beacon Journal Publishing Co. v. City of Akron, 70 Ohio St. 3d 605,1607, 1994-Ohio-6)
  *Personal Information is defined as Social Security number, Federal Tax ID number, Driver's License number, State Identification number, checking account, savings account, and credit card numbers. (ORC 149.45)
- [ ] 2) Confidential Law Enforcement Investigatory Work Product ORC 149.43(A)(1)(h)
- [x] 3) Uncharged Suspect(s) ORC 149.43(A)(2)(a)
- [ ] 4) Confidential Informant ORC 149.43(A)(2)(b)
- [ ] 5) Confidential Investigatory Techniques or Procedures ORC 149.43(A)(2)(c)
- [ ] 6) Information that would endanger the life or physical safety of Law Enforcement Personnel, a Crime Victim (Sexual Abuse, Child Abuse, Rape), a Witness, or a Confidential Information Source ORC 149.43(A)(2)(d)
- [ ] 7) Medical Records and Information (Pertains to a person's medical history, diagnosis, prognosis or medical condition) ORC 149.43(A)(1)(a) and ORC 149.43(A)(3)
- [ ] 8) Peace Officers Residential and Familial Information – ORC 149.43(A)(1)(p)
- [ ] 9) Other _____

OHIO

Submission of this form is provided in compliance with Ohio House Bill 9 (HB9) that requires a public office to notify the person seeking to inspect or copy the record regarding any redaction or to make the redaction plainly visible and specifies that a redaction is a denial of a request to inspect or copy the redacted information except if the federal or state law authorizes or requires the redaction.

Michelle Mariano 6/7/18

Records Clerk Date

Updated 04/06/16

104 LISBON STREET · CANFIELD, OH 44406 · TEL: 330-533-4903 · FAX: 330-533-0741
WWW.CI.CANFIELD.OH.US

Canfield Police Department
104 Lisbon ST
Canfield, OH 44406-0000
Phone 330-533-4903 Fax 330-533-0741

Incident / Offense Report
1-18-001043

Print Date/Time: 6/07/2018 09:27

OFFENSE INFORMATION

Offense No.: 1 S 2919.25A Domestic Violence - knowingly cause
Larceny Type:
Degree: Misdemeanor-1
Location Type: Single Family Residence
Use of Force:
Motive:
Hate/Bias Crime: No Bias, Not Applicable
Target of Bias:
Criminal Activity: No Gang Involvement
Vehicle Method of Entry:
Suspected of Using:
Weapon Used: None
Arson:
Coercion:
Disposition: Closed
Clearance: Victim Refused To Cooperate
Cleared By: Wells, Joshua

Attempted / Committed: C
Intimidation (Hate Crime): No
Domestic/Family Violence Involved: No
Disposition Date: 04/16/2018
Cleared By Date: 04/16/2018

PERSON INFORMATION

COMP No.:

SSN: ********* #1
D.L. No.: ********* #1
Date of Birth: 4/01/1981 Age: 37 YRS Date of Emancipation: / /
State: ** Exp. Date: 4/01/2019 Phone: [redacted]
Place of Birth:
Gender: F Height: 5' 6" Weight: 165 To 165 Country: USA
Race: B Hair: BRO Eyes BRO
Residential Status: Resident- City Of Ca Ethnicity:
Aggravated Assault/Homicide Circumstance: Marital Status: M
Statement Obtained:

PERSON INFORMATION

PART No.: 1 McNutt

SSN: ********* #1
D.L. No.: ********* #1
Date of Birth: Age: 16 YRS Date of Emancipation:
State: ** Exp. Date: 1/03/2019 Phone:
Cell: [redacted]
Place of Birth:
Gender: F Height: 5' 5" Weight: 150 To 150 Country:
Race: B Hair: BRO Eyes BRO
Residential Status: Resident- City Of Ca Ethnicity:
Aggravated Assault/Homicide Circumstance: Marital Status: N
Statement Obtained:

Canfield Police Department
104 Lisbon ST
Canfield, OH 44406-0000
Phone 330-533-4903 Fax 330-533-0741

Incident / Offense Report
1-18-001043

Print Date/Time: 6/07/2018 09:27

EVENT INFORMATION

Report No.: 1-18-001043 Local Report No: 18-1043
Type: PER Persons Report
Comment: Domestic Dispute
Disposition: Closed

Report Date/Time: 4/07/2018 12:30
Event Date/Time: 4/07/2018 12:30 To: 4/07/2018 12:30

EVENT LOCATION

Location Type: Single Family Residence
County: Mahoning
Map / Ref:

Intersection:
Beat / District: District 2 - NW

Zone / Area: All District

ADMINISTRATION

Reporting Officer: Modic, Brett
Entered By: Modic, Brett
Approved By: Wells, Joshua
Additional Approvals:

DISPATCH INFORMATION

Call Number: 180000002570 Call Type: E 9-1-1
Received Time: 12:30 End Time: 00:00 Elapsed Time: 689

DISPATCHED UNIT(S)

Unit Number:	Dispatched:	Enroute:	On Scene	Cleared:	Elapsed:
118	12:32	12:32	12:39	14:47	128
130	12:32	12:32	12:35	14:03	187

Canfield Police Department
104 Lisbon ST
Canfield, OH 44406-0000
Phone 330-533-4903 Fax 330-533-0741

Incident / Offense Report
1-18-001043

Print Date/Time: 6/07/2018 09:27

PERSON INFORMATION

VICTM No.: 1 McNutt, Latoya Sheri
Individual
SSN: *********#1
D.L. No.: *********#1
Date of Birth: 4/01/1981 Age: 37 YRS Date of Emancipation: / /
State: ** Exp. Date: 4/01/2019 Phone: [redacted]
Place of Birth:
Gender: F Height: 5' 6" Weight: 165 To 165 Country: USA
Race: B Hair: BRO Eyes BRO
Residential Status: Resident- City Of Ca Ethnicity:
Aggravated Assault/Homicide Circumstance: Marital Status: M
Statement Obtained:

Narrative Type: CAD Call Information
Narrative Officer: Russell, Jessica D16
Approved By: Wells, Joshua
Topic: TRANSFERRED FROM CAD
Narrative Date/Time: 4/07/2018 14:15
Approval Date/Time: 04/16/2018 11:13

#3 [redacted] SILVER MALIBU #3 #3
#3 NO WEAPONS #3
#3 [redacted] WAS THERE TO PICK UP THE [redacted] AND THE 11 YEAR OLD DID NOT WANT TO LEAVE WITH HIM SC[redacted] STARTED GETTING MAD AND TRYING TO FORCE HIM IN THE CAR. THE OTHER CHILD DID NOT WANT TO GO NOW THAT [redacted] WAS MAD. THE 16YO FEMALE WAS TRYING TO KEEP THE #3 [redacted] FROM GRABBING THE BOY SO SHE GOT INVOLVED IN THE ARGUMENT TOO. HE WAS TRYING TO COME IN THE HOUSE. AND WHEN MOM WAS CALLING 911 HE STATED HE DOESNT CARE ABOUT THE POLICE OR HER (MOM). HE LEFT AT A HIGH RATE SPEED UP THE STREET AND AROUND THE CORNER ONTO [redacted]

Narrative Type: Initial Report
Narrative Officer: Modic, Brett 130
Approved By: Wells, Joshua
Topic: Domestic Dispute
Narrative Date/Time: 4/07/2018 14:17
Approval Date/Time: 04/16/2018 11:13

On 4/7/2018 at approximately 1232 hours, I, Officer Modic was on patrol in marked cruiser 1004. At that time Officer Meshula and I were dispatched to a residence on [redacted] for a possible domestic dispute. Upon my arrival, I was met outside the residence on the driveway by the complainant and an investigation was initiated.

Narrative Type: Supplement
Narrative Officer: Modic, Brett 130
Approved By: Wells, Joshua
Topic: [redacted]
Narrative Date/Time: 4/08/2018 07:14
Approval Date/Time: 04/16/2018 11:16

Once on scene at [redacted], Officer Meshula and I were met in the driveway by the complainant, soon identified as Latoya McNutt and she advised the following:

Latoya and [redacted] are in the process of [redacted] Latoya currently resides at [redacted] with her three children (T[redacted]). [redacted] does not live at the residence but is believed to have signed for the house and does pay the rent. It is unknown were [redacted] is currently residing as he will not disclose that information to Latoya. She advised that she allows [redacted] to take the kids every so often as he usually picks them up from the residence on [redacted]. She stated that [redacted] had planned to pick up her children today at 1200 hours but her son [redacted] McNutt [redacted]), continued to state that he did not want to go with [redacted] today. Latoya advised that he can speak with [redacted] when he gets to the residence in regards to going with him. #3

At approximately 1215 hours, [redacted] arrived at the residence as Latoya's youngest daughter, [redacted], went outside to greet him in the driveway. [redacted] then retrieved the car seat in Latoya's Suv and put it in his vehicle fc He then secured in the car seat and called for [redacted] to come [redacted] then came out of the residence

Canfield Police Department
104 Lisbon ST
Canfield, OH 44406-0000
Phone 330-533-4903 Fax 330-533-0741

Incident / Offense Report
1-18-001043

Print Date/Time: 6/07/2018 09:27

and spoke with [redacted] on the driveway at which time began to explain that he did not want to go with him today. [redacted] then responded to by stating that he does not have a choice but to come with him. continued to advised that he would not go at which time [redacted] eventually grabbed by the jacket with both hands attempting to force him into the vehicle. At this time Latoya was standing at the entrance to her garage attempting to video tape due to her knowledge of his bad temper. Eventually was able to get loose from [redacted] grip and attempted to go into the garage.

[redacted] then noticed that Latoya was attempted to video tape at which time he then pushed her and slapped the phone from her hand causing her phone to hit the ground. [redacted] then continued to attempt to grab . She advised that she soon located her phone across the garage on the floor and picked it up at which time he squeezed her hand trying to get her to put it down. Latoya then started to yell for her oldest daughter , to call the police. was inside the residence at this time. [redacted] then went back to his vehicle and took out of the car seat as he continued to scream at Latoya to call the police as stated he did not care. At that time was able to get back inside of the residence.

After removing from the vehicle [redacted] came to the door leading into the house from the garage and again tried to grab Layota stated that it appeared that [redacted] was attempted to grab throat but was prevented by pushing him back. He then went back to his vehicle, removed the car seat, and threw the seat into the garage. He then left the residence by himself as he believed police were en route.

While speaking with Latoya she showed me the top of her right hand which appeared to have small scratches. It also appeared to be slightly swollen compared to her other hand. Pictures of her hand were taken and added to the S Drive. It also should be noted that he car seat was on the ground on its side in the garage. Latoya advised that she did not need paramedics to come to the scene but did advise she will be going to see a doctor as her hand continued to hurt. She completed a witness statement but advised that it was difficult to write due to the pain. The breif video taken by Latoya in the garage shows [redacted] swinging and hitting the phone out of her hand causing it to hit the ground. There was then yelling as the video soon cut off. Latoya was advised to send the video to my email address. She then provided me with [redacted] phone number and we cleared without incident.

#3

Narrative Type: Investigative Supplement
Narrative Officer: Modic, Brett 130
Approved By: Wells, Joshua

Topic: [redacted] Statement
Narrative Date/Time: 4/08/2018 07:55
Approval Date/Time: 04/16/2018 11:26

[redacted] advised the following:

At the time of in incident was in the bathroom on the second level of the residence brushing her teeth. She advised that she heard her brother, , scream for help at which time she went downstairs. When she got downstair's she advised that it was chaotic a she was trying to stay calm. She advised that her mom stated that [redacted] put hands on her and she needs to call the police. advised that she set her phone down on the table as she was walking to the entrance to the garage. She advised that she was too scared to call the police.

#3

She advised that Latoya then got , and in the house and then called the police herself. She stated that Latoya was yelling at [redacted] to leave and continued to advise him that none of the kids will be going with him today. She advised that [redacted] would not leave and continued to state he needed to talk with then again ised that he did not want to talk nor would be going with him. stated that at that time he attempted to grab to pull him out to the garage. At this time was blocking doorway into the house preventing him from entering. She advised that he lunged forward attempting to grab at which time she pushed him back. He then attempted to come up the stairs leading into the house once again but was yelling at him to leave. She then stated that he left in a rage eventually throwing the car seat from the car and cursing at Latoya. He then got into his vehicle and sped off down the road.

Narrative Type: Supplement
Narrative Officer: Modic, Brett 130
Approved By: Wells, Joshua

Topic: Statement
Narrative Date/Time: 4/08/2018 08:09
Approval Date/Time: 04/16/2018 11:26

advised the following:

Canfield Police Department
104 Lisbon ST
Canfield, OH 44406-0000
Phone 330-533-4903 Fax 330-533-0741

Incident / Offense Report
1-18-001043

Print Date/Time: 6/07/2018 09:27

He advised that Latoya advised him tha[redacted] will be picking up [redacted] and him today. He then stated that he did not want to go. He stated that Latoya advised him to have a talk with [redacted] when he gets there.

[redacted] advised that when [redacted] got to the residence he went outside to tell him that he did not want to go. He then advised that he did not have a choice. [redacted] advised that after refusing to go [redacted] grabbed him and threw him. He also advised that he observed Latoya recording so he grabbed her and pushed her eventually throwing her phone. He stated that he was able to get away from him at that time but he attempted to get [redacted] off of Latoya.

He advised that they then ran inside and [redacted] eventually attempted to grab him by the neck. He advised that he was prevented from doing so as [redacted] blocked him.

#3

Narrative Type: Investigative Supplement
Narrative Officer: Modic, Brett 130
Approved By: Wells, Joshua

Topic: [redacted] Statement
Narrative Date/Time: 4/08/2018 10:35
Approval Date/Time: 04/16/2018 11:28

On 4/8/2018, I, Officer Modic, contacted [redacted] 330[redacted] in order to set up a time where he could come to CPD for an interview regarding the incident at [redacted]. He agreed to speak with me and at approximately 0942 hours I was met in the lobby by [redacted] he advised the following:

On 4/7/2018 he went to pick up [redacted] and [redacted] at [redacted] expressed to [redacted] in the driveway that he did not want to go with him. [redacted] advised him that he wanted [redacted] to get into the car so they could simply talk about the situation. [redacted] advised that he became disrespectful during the conversation. [redacted] advised that he refused to go with him so he eventually grabbed his jacket to get him into his car. He advised that at that point [redacted] began swinging and pulling trying to get away.

He advised at that time Latoya came up with the [redacted] in his face at which time he grabbed the phone and threw it across the garage. He then attempted to instruct [redacted] to come with him. They told [redacted] that no one will be going with him today. [redacted] then advised that he spoke with [redacted] and let her know that he would be back on 4/8/2018 to pick her up for church. [redacted] advised that Latoya again started to video tape him at which time he grabbed the phone from her hand. He stated that she then charged him causing him to fall in attempt to get the phone back. He advised that in the process he again threw the phone.

He advised that they were cursing at him from the doorway into the house in the garage. He advised that he attempted to grab [redacted] once again from inside of the house so they could leave. He stated that he was prevented in doing so as [redacted] pushed him back. He advised that he then gave [redacted] a hug and advised [redacted] she was wrong for how she was acting and left.

#3

When speaking with [redacted] I inquired as to if he pushed, shoved and/or struck Latoya at any point during the incident and he advised negative. I inquired as to whether he grabbed Latoya at any time when attempting to get the phone and he advised negative. He advised he grabbed the phone only from her hand and threw it twice. He advised if there were any markings on her hand then it may have been from when she charged him. He stated he did not agree that she should be video taping him when he wants to see his children.

[redacted] agreed that he may have been able to handle the situation more appropriately but advised that at no point did he harm Latoya or any of the children. [redacted] was advised that the report will be forwarded to the detectives for review. He was advised that in the mean time a neutral location such as a Police Department may be appropriate when exchanging custody of the children in order to avoid further incident. He agreed that he will be doing such in the future.

Narrative Type: Investigative Supplement
Narrative Officer: Modic, Brett 130
Approved By: Wells, Joshua

Topic: Latoya Follow Up
Narrative Date/Time: 4/08/2018 12:01
Approval Date/Time: 04/16/2018 11:29

On 4/8/2018, I, Officer Modic, spoke with Latoya via phone regarding her doctors visit and she advised the following:

Canfield Police Department
104 Lisbon ST
Canfield, OH 44406-0000
Phone 330-533-4903 Fax 330-533-0741

Incident / Offense Report
1-18-001043

Print Date/Time:
6/07/2018 09:27

She advised that she went to Stewart Health Center in Austintown to get checked out. She advised that her back and right hand has been hurting ever since the incident. She advised that they took X-rays of her hand and forearm. She advised that she doesnt have any broken or fractured bones but stated that they advised she does have strained muscles in her forearm and hand. She advised that the doctor also advised she has a contusion to the right thorasic. They prescribed her a wrist brace for her right hand and gave her medication to take daily for swelling.

#3

It should be noted that she also was in a motor vehicle accident last summer where she has been recieving treatment twice a week. She advised that [redacted] was aware of her condition at the time of the incident. She has been under Dr. care since, receiving chiropractic services and medical massage 1-2 month and PT 2/wk to treat injuries to her cervical, thoracic and lumbar spine. She has bulging discs at T4-5, T10-11 and L5-S1(with nerve compression).

Narrative Type: Investigative Supplement
Narrative Officer: McGivern, Brian 135
Approved By: Wells, Joshua

Topic: Victim Follow Up
Narrative Date/Time: 4/11/2018 14:26
Approval Date/Time: 04/16/2018 11:30

On 4/9/18 I, Detective Brian McGivern, met with LaToya McNutt, who came into the police department regarding the status of this case. I explained to LaToya that I would be reviewing the case facts with our prosecutor tomorrow at court. LaToya also gave me copies of two receipts in which she had visited a medical office regarding injury to her hand / wrist, which was caused by [redacted] #3

LaToya also sent me the video in which [redacted] slapped the phone from her hand during the incident. That video was downloaded to the electronic case file. #3

Narrative Type: Investigative Supplement
Narrative Officer: McGivern, Brian 135
Approved By: Wells, Joshua

Topic: Case Review
Narrative Date/Time: 4/11/2018 14:31
Approval Date/Time: 04/16/2018 11:30

On 4/10/18 I, Detective Brian McGivern, reviewed the case facts with assistant prosecutor McBride, who authorized a one count criminal charge of domestic violence for [redacted] #3

Narrative Type: Investigative Supplement
Narrative Officer: McGivern, Brian 135
Approved By: Wells, Joshua

Topic: Follow Up Call W/ LaToya
Narrative Date/Time: 4/11/2018 14:34
Approval Date/Time: 04/16/2018 11:30

#3
On 4/11/18 I, Detective Brian McGivern, contacted LaToya to advise her of the authorization of a criminal charge against [redacted] LaToya had additional questions pertaining to her protection order that she had filed and questions pertaining to an arrest. LaToya advised that she was fearful of [redacted] and requested additional time to think prior to criminal charges being filed. #3

I also explained to LaToya that being the state of Ohio has a preferred arrest policy for domestic violence, I explained that due to her not living wit[redacted] her current protection order, and the fact the two parties were [redacted] I would give her the option to soley decide on wheather criminal charges were to be filed in this case.

#3

Narrative Type: Investigative Supplement
Narrative Officer: McGivern, Brian 135
Approved By: Wells, Joshua

Topic: Case Closed
Narrative Date/Time: 4/13/2018 11:21
Approval Date/Time: 04/16/2018 11:31

On 4/11/18 I, Detective Brian McGivern, called LaToya to get an answer on pursuing criminal charges against her husband. LaToya explained that she was in contact with her [redacted] who wanted time to see if [redacted]

#3 #3

Canfield Police Department
104 Lisbon ST
Canfield, OH 44406-0000
Phone 330-533-4903 Fax 330-533-0741

Incident / Offense Report
1-18-001043

Print Date/Time:
6/07/2018 09:27

was going to cooperate with the protection order. I then explained to LaToya that Canfield Police would not be utilized in charging an individual based on getting a better result in a domestic court situation and if she wished to pursue criminal charges, it is due to her being a victim of domestic violence.

LaToya further explained that she was made aware that #3 [redacted] would be fired from his job if criminally charged and that would risk her children not having health care and additional benefits. LaToya advised she would contact me tomorrow after she talked with her attorney in more depth about her situation.

LaToya has not returned my phone call since Wednesday (4/11/18).

On 4/13/18 I talked with Prosecutor Mike McBride, who advised not to pursue criminal charges at this time however, if LaToya comes into the police department at a later date and wants to sign criminal charges of domestic violence, we can file at a later date.

FORM 10.01-J: CONSENT AGREEMENT AND DOMESTIC VIOLENCE CIVIL PROTECTION ORDER

D

Atty Giannini

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

Order of Protection

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

Mahoning County Sheriff's Office
LAW ENFORCEMENT AGENCY WHERE INDEXED

(330) 480 - 5034
PHONE NUMBER

Case No. 18 DV 170

Judge/Magistrate Elsa Reale Cottrell

State OHIO

APR 1 2018
FILED
ANTHONY VICTOR CLERK

CONSENT AGREEMENT AND DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)
☐ WITH SUPPORT ORDER

PETITIONER:

Latoya S. McNutt
First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: Latoya S. McNutt DOB: 4-1-81
Petitioner's Family or Household Members:
(☐ Additional forms attached.)

DOB:
DOB:
DOB:
DOB:

RESPONDENT:

Richard McNutt, JR.
First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
Male	Black	5'11"	185
EYES	HAIR	DATE OF BIRTH	
Brown	Bald	09 / 17 / 1981	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Relationship to Petitioner: Spouse
Address where Respondent can be found:

Distinguishing features: tatoo back + arm

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

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

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

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

The terms of this Order shall be effective until 04 / 18 / 2023 (DATE CERTAIN – 5 YEARS MAXIMUM)

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

Case No. 18 DV 170

This proceeding came on for a hearing on 04 / 18 / 2018 before the Court and the *Ex Parte* Order filed on 04 / 09 / 2018. The following individuals were present: Petitioner with Attorney Donald Dickard; Respondent with Attorney Matthew Gaudieri.

[X] The parties agree to waive their notice and hearing rights.

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

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO THE RESPONDENT

[X] 1. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

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

is granted to: Petitioner / Latoya McNutt. Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

[X] 3. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

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

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

(3) except as set forth in 17 below

Case No. 18DV170

☒ 6. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voice mail; delivery service; social networking media; blogging; writings; electronic communications; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person.** [NCIC05]

☐ 7. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** _____ to the law enforcement agency that served Respondent with the Order or as follows:

_____

_____

and Petitioner is granted exclusive use of this motor vehicle.

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

_____

_____

_____

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

10. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while this Order remains in effect, unless Respondent is excepted for official use pursuant to 18 U.S.C. 925(a)(1). [NCIC 07]

☒ **RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS AND CONCEALED CARRY LICENSE** in Respondent's possession to the Mahoning County Sheriff's Department.

_____

_____

_____

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

Upon the expiration of this Order, any deadly weapon(s), including firearms, ammunition, and/or concealed carry license held in protective custody by law enforcement pursuant to this Order shall be disposed of as unclaimed property pursuant to R.C. 2981.12 unless the Respondent files a motion for return with this Court within 30 days before the expiration of this Order.

Upon the dismissal of this Order prior to expiration, any deadly weapon(s), including firearms, ammunition, and/or concealed carry license held in protective custody pursuant to this Order may be returned to Respondent upon the following conditions: (A) Respondent makes a request for the return of

Case No. 18DV170

same; and (B) the law enforcement agency determines that the weapon(s) in question are not stolen and that the Respondent is not under any disability which prevents the Respondent from owning or possessing a weapon.

☐ 11. **PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:** [NCIC 09]

This Order applies to the following child(ren):

☐ 12. **VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

☐ (A) Respondent's visitation rights are suspended; or

☐ (B) As a limited exception to paragraphs 5 and 6, temporary visitation rights are established as follows: [NCIC 06]

This Order applies to the following child(ren):

☐ 13. **LAW ENFORCEMENT AGENCIES**, including but not limited to, are ordered to assist Petitioner in gaining physical custody of the child(ren), if necessary.

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

☐ 15. **RESPONDENT MAY PICK UP CLOTHING** and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven days of the filing of this Order. Arrangements may be made by contacting:

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

☒ 17. **IT IS FURTHER ORDERED:** [NCIC 08]

Respondent shall be allowed to attend ~~all~~ child related activities, however, Respondent shall not make any direct contact with the Petitioner while at these activities.

Case No. 18DV170

☐ 18. **RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

Respondent shall contact this program within _____ **days after receiving this Order and immediately arrange for an initial appointment.** The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐ **Respondent is ordered to appear before Judge or Magistrate** _____ **on** ____/____/____ **at** _____ ☐**a.m.** ☐**p.m., to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the Court may issue a warrant for your arrest.**

19. **IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy of this Order to be delivered to the Respondent as required by Civ.R. 65.1. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. No costs or fees shall be assessed against the Petitioner for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, or serving this Order.

20. **ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL** 04 / 18 / 2023 unless earlier modified or terminated by order of this Court. Except for paragraphs 11, 12, 13, and 14 above, this Order survives a divorce, dissolution of marriage, or legal separation. Until this Order is served upon the Respondent pursuant to Civ.R. 65.1, the terms of the *Ex Parte* CPO remain in effect.

21. **IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE,** the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of the Order.

IT IS SO ORDERED.

MAGISTRATE

JUDGE

Case No. 18DV170

NOTICE TO RESPONDENT

THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

I have read this Consent Agreement and Civil Protection Order and agree to its terms.

[signature]

SIGNATURE OF PETITIONER Latoya McNutt

Address of Petitioner (Safe Mailing Address)

[signature]

Signature of Attorney for Petitioner Attorney D. Desanto

Address of Attorney for Petitioner

I have read this Consent Agreement and Civil Protection Order and agree to its terms.

[signature]

SIGNATURE OF RESPONDENT Richard McNutt, JR.

Address of Respondent

[signature]

Signature of Attorney for Respondent Atty H. Giannini

1040 S. Commons Place Ste 206

YO O 44514

Address of Attorney for Respondent

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were to be served on the parties indicated pursuant to Civ.R. 65.1(C)(3) on _____ day of _____, 20 _____

By: SEE DOCKET FOR SERVICE

CLERK OF COURT

TO THE CLERK:

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- [x] Petitioner
- [x] Respondent
- [ ] Counseling Program:
- [x] Sheriff's Office: Mahoning County Sheriff's Office
- [x] Police Department Where Petitioner Resides: Canfield PD
- [ ] Police Department Where Petitioner Works:
- [ ] CSEA
- [ ] Other:
- [x] Attorney for Petitioner Desanto
- [x] Attorney for Respondent Giannini

ADDITIONAL NOTICE TO RESPONDENT TO UPDATE ADDRESS

RESPONDENT IS HEREBY CAUTIONED AND ADVISED TO UPDATE THE CLERK OF COURTS AS TO ANY CHANGE OF ADDRESS SO THAT THE COURT CAN PROVIDE RESPONDENT WITH NOTICE AS TO ANY MODIFICATION, DISMISSAL OR RENEWAL OF THIS ORDER.

[x] Instructions for Service: Pursuant to Rule 10 of the Rules of Superintendence, The Court has completed Form 10-A. The Clerk of Courts is instructed to file a time-stamped copy of Form 10-A with the Mahoning County Sheriff's office.