



Case Report Compact



Print Date/Time: 06/01/2023 09:21
Login ID: vgordon
Case Number: 2023-00013785

ORI Number:

Elyria Police Department
OH0470400

Case Details:

Case Number:	2023-00013785	Incident Type:	Obstructing
Location:	123 GARVIN AVE ELYRIA, OH 44035	Occurred From:	05/11/2023 16:56
		Occurred Thru:	05/11/2023 16:56
		Reported Date:	05/11/2023 16:56 Thursday
Reporting Officer ID:	EL229-Mitchell	Status:	Closed
		Status Date:	05/11/2023
		Disposition:	Closed
		Disposition Date:	05/11/2023
Assigned Bureau:	Patrol Division	Exc Clear:	Cleared by Arrest - Adult
		Exc Clear Date:	05/11/2023

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time
EL229-Mitchell	05/11/2023 19:00	Primary Unit	EL229-Mitchell	

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	90Z	2921.31	Obstructing Official Business	1
2	State	13B	2903.13C5	Assault on peace officer, firefighter or medical personnel (Simple)	1
3	State	90Z	2921.33	Resisting Arrest	1
4	State	90Z	2921.32	Obstructing Justice	1



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Offense # 1

Group/ORI: State Crime Code: 90Z Statute: 2921.31 Counts: 1 Attempt/ Commit Code: Committed
Description: Obstructing Official Business Offense Date: 05/11/2023
Scene Code: Single Family Home Bias/Motivation: No Bias / Not Applicable
IBR Seq. No: 1

Method of Entry : Burglary Unknown

Evidence Collected

Tools Used

Security Systems

Offense # 2

Group/ORI: State Crime Code: 13B Statute: 2903.13C5 Counts: 1 Attempt/ Commit Code: Committed
Description: Assault on peace officer, firefighter or medical personnel (Simple) Offense Date: 05/11/2023
Scene Code: Single Family Home Bias/Motivation: No Bias / Not Applicable
IBR Seq. No: 2

Method of Entry : Burglary Unknown

Evidence Collected

Criminal Activity
Gang - No Gang Involvement

Tools Used

Security Systems

Offense # 3

Group/ORI: State Crime Code: 90Z Statute: 2921.33 Counts: 1 Attempt/ Commit Code: Committed
Description: Resisting Arrest Offense Date: 05/11/2023
Scene Code: Single Family Home Bias/Motivation: No Bias / Not Applicable
IBR Seq. No: 3

Method of Entry : Burglary Unknown

Evidence Collected

Tools Used

Security Systems

Offense # 4

Group/ORI: State Crime Code: 90Z Statute: 2921.32 Counts: 1 Attempt/ Commit Code: Committed
Description: Obstructing Justice Offense Date: 05/11/2023
Scene Code: Single Family Home Bias/Motivation: No Bias / Not Applicable
IBR Seq. No: 4

Method of Entry : Burglary Unknown

Evidence Collected

Tools Used

Security Systems

Subjects



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Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Arrestee	1	Fusik, Debra L	108 RUSH ST STREET ELYRIA, OH 44035	(440)453-9485	White	Female	[REDACTED] 61
Arrestee	2	Ortiz, Raul A	123 GARVIN AVE ELYRIA, OH 44035	(440)310-3533	White	Male	[REDACTED] 42
Involved	1	WARNER, BRITTNEY S	123 GARVIN AVE ELYRIA, OH 44035	(440)444-2282	White	Female	[REDACTED] 42
Involved	2	Bolger, Daniel Lee	123 GARVIN AVE ELYRIA, OH 44035	(440)365-5590	White	Male	[REDACTED] 48
Victim	1	Hersh, Colty D	18 WEST AVE ELYRIA, OH 44035	(440)323-3302			
Victim	2	Mitchell, Paige B.	18 WEST AVE ELYRIA, OH 44035	(440)323-3302			
Victim	3	Lewis, Chris J	18 WEST AVE ELYRIA, OH 44035	(440)323-3302			
Victim	4	SOCIETY, VICTIM IS	UNKNOWN PRIMARY,				

Subject # 1-Arrestee

Primary: No
Name: Fusik, Debra L
Address: 108 RUSH ST STREET
ELYRIA OH 44035
Primary Phone: (440)453-9485
Resident Type: City

Arrestee Type: Arrestee
Race: White
Height: 5ft 4 in
Eyes: Blue
DVL #: [REDACTED]
Resident Status: Resident
Sex: Female
Weight: 128.0 lbs.
Hair: Brown
State: OH

DOB: [REDACTED]
Build: Thin
Age: 61

Domestic Violence Referrals:

Modus Operandi

Subject # 2-Arrestee

Primary: No
Name: Ortiz, Raul A
Address: 123 GARVIN AVE
ELYRIA OH 44035
Primary Phone: (440)310-3533
Resident Type: City

Arrestee Type: Arrestee
Race: White
Height: 6ft 3 in
Eyes: Green
DVL #: [REDACTED]
Resident Status: Resident
Sex: Male
Weight: 200.0 lbs.
Hair: Black
State: OH

DOB: [REDACTED]
Build: Heavy
Age: 42

Domestic Violence Referrals:

Modus Operandi

Subject # 1-Involved

Primary: No
Name: WARNER, BRITTNEY S
Address: 123 GARVIN AVE
ELYRIA OH 44035
Primary Phone: (440)444-2282
Resident Type: City

Race: White
Height: 5ft 3 in
Eyes: Brown
DVL #: [REDACTED]
Resident Status: Resident
Sex: Female
Weight: 185.0 lbs.
Hair: Brown
State: OH

DOB: [REDACTED]
Age: 42

Domestic Violence Referrals:

Modus Operandi



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Subject # 2-Involved

Primary: No
Name: Bolger, Daniel Lee
Address: 123 GARVIN AVE
ELYRIA OH 44035

Primary Phone: (440)365-5590
Resident Type: City

Race: White
Height: 5ft 8 in
Eyes: Blue

Sex: Male
Weight: 145.0 lbs.
Hair: Brown

DOB: [REDACTED]
Build: Thin
Age: 48

DVL #: [REDACTED]

State: OH

Resident Status: Resident

Domestic Violence Referrals:

Modus Operandi

Subject # 1-Victim

Primary: No
Name: Hersh, Colty D
Address: 18 WEST AVE
ELYRIA OH 44035

Primary Phone: (440)323-3302
Resident Type: City

Victim Type: Police Officer

State:

Resident Status: Resident

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	13B	2903.13C5	Assault on peace officer, firefighter or medical personnel (Simple)

Victim/Offender Relationship

No.	Type	Name	Relationship
1	Arrestee	Fusik, Debra L	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
1	Arrestee	Fusik, Debra L	Unknown
1	Arrestee	Fusik, Debra L	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
2	Arrestee	Ortiz, Raul A	Unknown

Domestic Violence Referrals:

Injury Types

None

Modus Operandi

LEOKA Information

Incident Type: Officer Assaulted Minor Injury
Officer Activity: Attempting Arrest
Assignment Type: One Officer Vehicle - Assisted



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Subject # 2-Victim

Primary: No
Name: Mitchell, Paige B.
Address: 18 WEST AVE
ELYRIA OH 44035

Victim Type: Police Officer

Primary Phone: (440)323-3302
Resident Type: City

State:
Resident Status: Resident

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	13B	2903.13C5	Assault on peace officer, firefighter or medical personnel (Simple)

Victim/Offender Relationship

No.	Type	Name	Relationship
1	Arrestee	Fusik, Debra L	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
1	Arrestee	Fusik, Debra L	Unknown
1	Arrestee	Fusik, Debra L	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
2	Arrestee	Ortiz, Raul A	Unknown

Domestic Violence Referrals:

Injury Types

None

Modus Operandi

LEOKA Information

Incident Type: Officer Assaulted Minor Injury
Officer Activity: Attempting Arrest
Assignment Type: One Officer Vehicle - Assisted



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Subject # 3-Victim

Primary: No
Name: Lewis, Chris J
Address: 18 WEST AVE
ELYRIA OH 44035

Victim Type: Police Officer

Primary Phone: (440)323-3302

State:

Resident Type: City

Resident Status: Resident

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	13B	2903.13C5	Assault on peace officer, firefighter or medical personnel (Simple)

Victim/Offender Relationship

No.	Type	Name	Relationship
1	Arrestee	Fusik,Debra L	Unknown
2	Arrestee	Ortiz,Raul A	Unknown
1	Arrestee	Fusik,Debra L	Unknown
1	Arrestee	Fusik,Debra L	Unknown
2	Arrestee	Ortiz,Raul A	Unknown
2	Arrestee	Ortiz,Raul A	Unknown
2	Arrestee	Ortiz,Raul A	Unknown

Domestic Violence Referrals:

Injury Types

None

Modus Operandi

LEOKA Information

Incident Type: Officer Assaulted Minor Injury
Officer Activity: Attempting Arrest
Assignment Type: One Officer Vehicle - Assisted



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Subject # 4-Victim

Primary: No
Name: SOCIETY, VICTIM IS
Address: UNKNOWN
PRIMARY

Victim Type: Society/Public

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	90Z	2921.32	Obstructing Justice
State	90Z	2921.33	Resisting Arrest
State	90Z	2921.31	Obstructing Official Business

Victim/Offender Relationship

No.	Type	Name	Relationship
1	Arrestee	Fusik, Debra L	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
1	Arrestee	Fusik, Debra L	Unknown
1	Arrestee	Fusik, Debra L	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
2	Arrestee	Ortiz, Raul A	Unknown
2	Arrestee	Ortiz, Raul A	Unknown

Domestic Violence Referrals:

Modus Operandi

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
101182A	Ortiz, Raul A	123 GARVIN AVE ELYRIA, OH 44035	05/12/2023 00:16	Crime In Progress	42
101179A	Fusik, Debra L	18 WEST AVE ELYRIA, OH 44035	05/11/2023 23:25	Crime In Progress	61



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Arrest # 101182 A

Name: Ortiz, Raul A

Date/Time: 05/12/2023 00:16

Type: Crime In Progress

Status: Transferred
to Other
Agency

Address: 123 GARVIN AVE
ELYRIA, OH 44035

Race: White

Sex: Male

DOB: [REDACTED]

Height: 6ft 3 in

Weight: 200.0 lbs.

Build: Heavy

Eyes: Green

Hair: Black

Marital: Single

Phone: (440)310-3533

DVL#: [REDACTED]

State: OH

Scars,Marks,Tattoos

	Type	Location	Description
Tattoo	ZZ_Convers ion	ZZ_Conversion	A08 & MIGUEL
Tattoo	ZZ_Convers ion	ZZ_Conversion	A12 & CROSS/BIBLE "R"
Tattoo	ZZ_Convers ion	ZZ_Conversion	A12 & TRIBAL HEART
Tattoo	ZZ_Convers ion	ZZ_Conversion	A18 & INITIALS 8 BALL

Location: 123 GARVIN AVE
ELYRIA, OH 44035

Age at Arrest:

42

Resident Status:

Resident

Arresting Officers

Bureau

School Resource Officer

Weapon Codes

EL188-Lewis

Patrol Division

No

Unarmed

EL141-Hersh

Patrol Division

No

EL229-Mitchell

Patrol Division

No

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
1	State	13B	2903.13C5	Assault on peace officer, firefighter or medical personnel (Simple)

Counts: 1

Attempt/Commit: Committed

Other ORI: No

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
2	State	90Z	2921.33	Resisting Arrest

Counts: 1

Attempt/Commit: Committed

Other ORI: No

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
3	State	90Z	2921.31	Obstructing Official Business

Counts: 1

Attempt/Commit: Committed

Other ORI: No



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ORI Number: Elyria Police Department
OH0470400

Arrest # 101179 A

Name: Fusik, Debra L **Date/Time:** 05/11/2023 23:25 **Type:** Crime In Progress **Status:** Transferred to Other Agency
Address: 108 RUSH ST STREET **Race:** White **Sex:** Female **DOB:** [REDACTED]
ELYRIA, OH 44035 **Height:** 5ft 4 in **Weight:** 128.0 lbs. **Build:** Thin
Phone: (440)453-9485 **Eyes:** Blue **Hair:** Brown **Marital:** Married
DVL#: [REDACTED] **State:** OH

Scars, Marks, Tattoos

Location: 18 WEST AVE
ELYRIA, OH 44035

Age at Arrest: 61 **Resident Status:** Resident

Arresting Officers	Bureau	School Resource Officer	Weapon Codes
EL188-Lewis	Patrol Division	No	Unarmed
EL141-Hersh	Patrol Division	No	
EL229-Mitchell	Patrol Division	No	

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
1	State	90Z	2921.32	Obstructing Justice

Counts: 1 **Attempt/Commit:** Committed
Other ORI: No

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Patrol Narrative- P. Mitchell #229

PATROL NARRATIVE

REPORT#: 2023-13785

NARRATIVE BY: Ptl. Paige Mitchell #229

REVIEWED BY: 248

INCIDENT TYPE: Obstructing/Assault On a Police Officer

NARRATIVE:

On 05/11/2023 Officers P. Mitchell, Hersh and Lewis arrested Deborah Fusik for obstructing justice (ORC 2921.32 F3). She was transported to the Lorain County Jail where she will be held without bond.

At approximately 1802 hours Officers arrested Raul Ortiz for Obstructing Official Business (ORC 2921.31 F5), Assault on a Police Officer (ORC 2903.13 F4), Assault on a Police Officer (ORC 2903.13 F4), Assault on a Police Officer (ORC 2903.13 F4), Resisting Arrest (ORC 2921.33 F4), Disorderly Conduct Persisting (ORC 2917.11 M4) and Aggravated Robbery (ORC 2911.01 F1). He was transported to the Lorain County Jail where he will be held without bond.

On the above date at approximately 1802 hours, Officers P. Mitchell, Lewis and Hersh were dispatched to the Family Dollar (401 Lake Ave) in reference to speaking with a female, Brittney Warner, who was attempting to pick up property from her ex-boyfriend, Raul Ortiz from 123 Garvin Ave. Officers made contact with Warner at Family Dollar and learned the following:

Warner has been living at 123 Garvin for approximately 2 years. She receives mail at the residence and has property there also. She advised she is attending AA and is attempting to get clean and wanted to leave the residence due to this. There have been numerous issues between Ortiz and Warner in the past and she was requesting police assistance in obtaining her property.

Officers followed Warner to 123 Garvin where Officers attempted to make contact with Ortiz at the door. While knocking, Officers could hear Ortiz inside the residence yelling at Officers that they were trespassing and he was not going to open to the door. Officers continued to attempt to convince Ortiz to open the door to which he refused.

While knocking on the door, Warner advised Officer P. Mitchell a female, later identified Deborah Fusik, was sitting in a silver vehicle parked in the street. Officer P. Mitchell attempted to wave Fusik over to Officers to speak with her. Fusik would stare at Officers and ignore them. Officer P. Mitchell approached the vehicle and asked Fusik to roll the window down. She again ignored Officer P. Mitchell. Officer P. Mitchell then knocked on the window of the vehicle and she opened the door. Officer P. Mitchell attempted to get Fusik to talk with Ortiz about opening the door and letting Warner get her items out of the residence. Ultimately Fusik and Ortiz both were uncooperative and would not open the door or speak with Officers further about the situation.

Officer P. Mitchell advised Warner due to having established residency in the residence, she could force entry into the residence if she chose to. Warner then walked up to the residence

PATROL NARRATIVE

door and kicked it twice before it opened. She then pushed open the door and entered the residence. As she was walking up the stairs Officers Hersh and Lewis followed behind her and attempted to get her to stop going upstairs as Raul Ortiz was observed coming down the stairs yelling about Officers having kicked in his door. As Officer P. Mitchell was standing at the bottom of the stairs waiting for either Warner or Ortiz to come down off the staircase, Officer P. Mitchell heard glass shatter and observed Officers Hersh and Lewis wrestling with Ortiz on the landing at the stop of the first set of stairs.

Officer P. Mitchell approached the landing in an attempt to assist in gaining control of Ortiz. Due to the small size of the landing, the already broken glass all over the ground and still protruding from the window, Ortiz's larger stature and the fact he was dripping in sweat, Officer P. Mitchell removed her taser from the holster, armed it and arced it while telling Ortiz he was going to be tasered if he did not stop fighting with Officers. Ortiz continued to flail his arms around and refuse to place them behind his back. At that time, Officer P. Mitchell drive stunned Ortiz in the stomach area with the taser in an attempt to gain compliance. It should be noted as this was happening, Ortiz began yelling at Officer P. Mitchell he has a heart monitor. He then doubled over and began pulling away from Officers again. Officer P. Mitchell then lost contact with Ortiz with the taser. As Officer P. Mitchell began to pull the taser back towards her body and away from Ortiz. Ortiz then placed his hands on Officer P. Mitchell's and began pushing them downward towards his waist. As he was doing this, Ortiz was able to get his finger into the trigger guard of the taser and place it on top of Officer P. Mitchell's finger. He then began attempting to turn the taser towards Officer P. Mitchell while also attempting to pull the trigger. Officer P. Mitchell was able to disarm the taser just moments prior to Ortiz pushing Officer P. Mitchell's hand into the wall causing her to lose her grip on the taser. When that happened, Ortiz removed the taser from Officer P. Mitchell's hand and continued to attempt to turn it around on Officer P. Mitchell. While this was happening, Officers Hersh and Lewis continued to attempt to get Ortiz's hands behind his back but he continued to wrestle and fight with Officers to prevent being arrested. While this was all happening, Officer P. Mitchell continued to struggle with Ortiz over the taser in an attempt to keep it away from Officers. It should be noted, Officer P. Mitchell was in fear Ortiz would use the taser on Officer P. Mitchell, or another Officer, causing them to fall down the stairs and become injured. This would likely incapacitate Officer P. Mitchell leaving Ortiz the opportunity to take her firearm.

As Officer P. Mitchell re-gained control of her taser and holstered it, she observed Fusik standing behind her attempting to get her footing on the landing as well. Fusik appeared to be picking up a plant that had been broken during the altercation. Officer P. Mitchell began escorting Fusik down the stairs. While doing so, she advised she was attempting to record the incident. It should be noted Fusik was attempting to interject herself into the fight between Officers and Ortiz. Ultimately, she sat on the couch and recorded from there.

Officer P. Mitchell then returned to the landing and observed Ortiz's left hand on the banister. Officer P. Mitchell secured his left hand into one handcuff and began ordering Ortiz to give Officer P. Mitchell his hand. Ortiz continued to advise he needed to sit down and then he would give Officers his hands but ultimately, he never provided his hands. Officers Hersh and Lewis were able to take Ortiz down on to the upper portion of the staircase while Officer P. Mitchell maintained control over his left hand by leveraging the open end of the handcuffs.

PATROL NARRATIVE

Officer Hersh brought Ortiz's right hand behind his back also with one handcuff on it. Officer P. Mitchell then secured the two sets of handcuffs together, successfully securing both of Ortiz's hands.

Ortiz was then provided a moment to sit on the steps prior to being brought down the stairs. On his way down the stairs Ortiz slipped and fell. He was given a moment to gather himself before being brought to front porch where he was placed in a chair. Life Care EMS was called to the scene to transport Ortiz to UH Elyria. While there, Ortiz remained in police custody.

Officer Lewis took photographs of the damage to the front door, the window and the staircase landing where the assault took place. These photographs were later uploaded into the case file.

Officers later signed affidavits against Ortiz for the following:

- Obstructing official business (ORC 2921.31 F5)
- Assault on a police officer (ORC 2903.13 F4)
- Assault on a police officer (ORC 2903.13 F4)
- Assault on a police officer (ORC 2903.13 F4)
- Resisting arrest (ORC 2921.33 F4)
- Disorderly conduct persisting (ORC 2917.11 M4)
- Aggravated Robbery (ORC 2911.01 F1)

Officers also signed an affidavit against Deborah Fusik for obstructing justice (ORC 2921.32 F3).

At approximately 2043 hours Officers were dispatched to speak with Daniel Bolger who had questions in reference to the door being broken. Bolgar was advised due to Warner having lived at the residence there were no criminal charges that could be filed in reference to her breaking the door. He was advised he would need to file a civil suit against her for the damage done to the residence and was provided information on how to do that.

It should be noted, Bolgar arrived at the Elyria Police Department with Fusik. Due to Officers having signed charges on her for obstructing justice, Officers placed her into custody without incident. Officer Hersh later transported her to the Lorain County Jail where she will remain to await bond or arraignment.

Patrol Narrative

PATROL NARRATIVE

REPORT#: 2023-13785

NARRATIVE BY: Hersh #141

REVIEWED BY: Sgt Ligas 204

INCIDENT TYPE: Obstructing/Resisting

NARRATIVE:

On May 11, 2023 at approximately 1800 hours, Officers Hersh, Lewis and Mitchell were detailed to the area of 123 Garvin in reference to assisting a female in collecting items from her residence at 123 Garvin.

Officers made contact with the complainant, Brittney Warner, at Family Dollar at 401 Lake Avenue. Brittney advised that she was leaving her long-time boyfriend Raul Ortiz whom Brittney lived with at 123 Garvin for approximately two years, but Raul was refusing to allow Brittney to collect her property.

Officers followed Brittney to 123 Garvin and knocked on the door attempting to speak with Raul. Raul refused to come to the door to speak with officers, saying officers were trespassing and screaming that he knew his rights. Officers continued to attempt to speak to Raul through the door with negative results. Brittney advised officers that Raul's mother, Debra Fusik, was sitting in a vehicle on the street behind officers.

Officer Mitchell attempted to speak with Debra who was also uncooperative and reluctant to speak with Officer Mitchell. Officer Mitchell repeatedly asked Debra to speak with Raul, who was actively on the phone with Debra. Debra refused several times to allow Officer Mitchell to speak with Raul before eventually putting the phone on speaker. Officer Mitchell then attempted to speak with Raul over the phone with negative results.

Officers advised Brittney that she had residency at 123 Garvin per Ohio law and could force entry to retrieve her items if needed. Brittney immediately walked up to the front door and kicked it twice, forcing the door open.

Brittney immediately walked into her residence and officers could hear Raul yelling upstairs. Officers Hersh and Lewis followed Brittney into her residence to help her collect her items safely. While Brittney was walking upstairs, officers heard Raul shout something that sounded like "they kicked in my door I'm gonna drop their asses". Officers immediately told Brittney to go back down the stairs due to concerns that Raul may be coming downstairs with a weapon.

Once Officer Hersh observed that Raul did not have a weapon, Brittney continued walking back upstairs past Raul. Raul continued yelling while Officer Hersh asked Raul to go downstairs for Brittney's safety. Raul turned toward Officer Hersh in an aggressive manner, causing Officer Hersh to put his hands up defensively at which time Raul stated "Don't touch me". Officer Hersh told Raul again to go downstairs and Raul began walking back up the stairs.

Officer Hersh grabbed Raul's left forearm to guide him back downstairs when Raul pulled away from Officer Hersh's grip. Officers Hersh and Lewis then grabbed Raul's left arm to attempt to

PATROL NARRATIVE

guide him back downstairs. Raul's body was drenched in sweat and Raul was pulling away from officers. Officers had to strongly pull Raul's arm to guide him downstairs, causing Raul to lunge forward down the stairs toward Officer Lewis. Raul's body slammed into Officer Lewis, driving Officer Lewis into a 2nd story window, shattering the window, nearly causing Officer Lewis to fall out of the window.

Officers Hersh and Lewis continued to attempt to gain control of Raul's arms to place behind his back however Raul continued to tense his muscles, pull away, and refuse to comply. Officer Mitchell continuously gave loud verbal commands for Raul to place his hands behind his back and drew her Taser. Officer Mitchell arced her Taser and told Raul he would be Tased if he did not comply. Raul continued resisting arrest and Officer Mitchell applied a drive-stun to Raul from approximately one second.

During this time, Officers Hersh and Lewis were still struggling to gain control of Raul's arms due to the vast amount of sweat on Raul's body and Raul's continued resistance.

At this time, Raul managed to grab Officer Mitchell's Taser. Officer Mitchell attempted to get the Taser away from Raul, however Raul was able to gain full control of the Taser. Officer Mitchell immediately alerted Officers Hersh and Lewis that Raul had possession of the Taser. Officer Hersh drew his firearm and pointed it at Raul. Officer Hersh was screaming at Raul to drop the Taser or Officer Hersh was going to shoot Raul. Raul did drop the Taser and Officer Mitchell regained control of the Taser. Officer Hersh re-holstered his weapon and officers continued wrestling with Raul.

Raul continued refusing commands to place his hands behind his back while stating that he was going to comply. Raul stated several times that he would comply but continued to refuse to do so. Officer Hersh then used a knee strike, aimed at center mass, striking Raul near the top of his leg. Raul sank down to the stairs of the upper staircase, still refusing to place his arms behind his back. Officer Mitchell managed to get Raul's left arm behind his back with a handcuff on his wrist. Officer Hersh pushed Raul's left arm behind his back, which already had a cuff on the left wrist, and officers were able to cuff the two pairs of handcuffs together.

Officers helped Raul to his feet and attempted to walk him down the lower staircase. Raul now stated that he couldn't walk and needed to rest after fighting with officers for several minutes. Officers attempted to guide Raul down the stairs when Raul slipped on dirt that had been spilled from a potted plant during the time Raul was resisting arrest.

Officers allowed Raul to rest there until LifeCare could help him outside. Raul was evaluated by paramedics before being transported to the hospital.

Patrol Narrative

PATROL NARRATIVE

REPORT#: 2023-13785

NARRATIVE BY: Ptlm. Lewis 188

REVIEWED BY: Sgt Ligas 204

INCIDENT TYPE: Obstructing

NARRATIVE:

On 05/11/2023 at approximately 1818 hrs. Officer Lewis, Officer Mitchell and Officer Hersh arrested Raul Ortiz and Debra Fusik for the following:

Raul Ortiz:

- Assault on a Police Officer (ORC 2903.13) (F4)
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- Aggravated Robbery (ORC 2911.01) (F1)
- Resisting Arrest (ORC 2921.33) (F4)
- Obstructing Official Business (ORC 2921.31) (M4)
- Disorderly Conduct-Persisting (ORC 2917.11) (M4)

Debra Fusik

- Obstructing Justice (ORC 2921.32) (F3)

On 05/11/2023 at approximately 1656 Hrs. Officer Lewis, Mitchell and Hersh were detailed to 123 Garvin Ave, Elyria, OH for an assistance call. Officers met with the complainant, Brittany Warner at the Family Dollar, 401 Lake Ave, Elyria, OH. Brittany advised officers she was no longer seeing Raul Ortiz and was attempting to pick up medication at 123 Garvin Ave, Elyria, OH. Brittany advised officers she has been living at that residence with Raul. Brittany and Raul have been together for two years. Brittany notified officers that she has been receiving mail at the address and that she has established residency.

Officers escorted Brittany to the residence in an attempt to retrieve her medications. Officers attempted to contact Raul at 123 Garvin Ave and Raul refused to answer the door for officers.

Officer Lewis observed Raul through the front window yelling "You're trespassing" "That lying bitch doesn't have property here" "I know my rights, "I have nothing to say". Officers were alerted to Raul's mother, Debra Fusik who was outside in her vehicle. Debra was on the phone with Raul who was refusing to cooperate. Debra was also non-cooperative with Officer Mitchell who was attempting to speak with Raul.

Due to Brittany establishing residency at 123 Garvin Ave, Officer Mitchell Advised Brittany she could make entry into the home. After notifying Brittany, Brittany went up to the

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front door and kicked the door open. Brittany proceeded into the residence towards the staircase with officers behind her.

Officers Hersh and Lewis observed Raul coming down the staircase. Officers heard Raul say something like "They kicked my door in" "I'm going to drop their asses". Brittany passed by Raul to the bedrooms. Officers Hersh and Lewis contacted Raul on the staircase. Officers Hersh and Lewis gave Raul multiple verbal commands to come down the staircase. Officers were concerned that Raul would attack Brittany. Raul ignored commands and proceeded up the staircase towards Brittany.

Officer Hersh grabbed the left arm of Raul as he was on the stairs. Raul was not wearing a t-shirt and was drenched in sweat. Raul pulled away from Officer Hersh. Officer Lewis also grabbed Raul by the left arm and Officers directed Raul down the staircase to the landing. While directing Raul down the stairs Officer Lewis was driven through a window on the landing, nearly causing Officer Lewis to fall out of the window.

Officers gave multiple verbal commands to Raul to stop resisting and to comply. Raul continued to ignore commands and tense his muscles. Officers Hersh and Lewis attempted to gain control of Raul's hands and were unable to do so due to Raul resisting. Officer Mitchell continued to give loud verbal commands as Officer Lewis and Officer Hersh were attempting to gain control of Raul's hands. Officers Lewis and Hersh were unable to gain solid control due to the amount of sweat on Raul's body.

Officer Mitchell arced her taser and told Raul he would be tased if he did not comply. Raul continued to resist officers and Officer Mitchell applied a drive-stun to Raul for approximately one second.

Raul continued to fight with Officers on the staircase landing.

After the drive stun, Raul forced both of his hands down onto the taser and hand of Officer Mitchell. Raul was able to gain partial control of the taser. Raul pinned Officer Mitchell's hand against the wall, causing Officer Mitchell to lose control of the taser. Raul was able to gain control of the taser. Officer Mitchell immediately alerted Officer Lewis and Hersh to the possession of the taser. Officer Hersh drew his firearm and pointed it at Raul. Officer Hersh was screaming verbal commands to Raul to drop the taser. Raul did drop the taser and Officer Mitchell gained control of the taser again. Officer Hersh re-holstered his firearm and officers continued fighting with Raul.

Raul stated he would comply to officer commands as he continued to resist and fight with officers. Officer Hersh then used a knee strike that struck Raul in his upper leg area. Raul fell to the stairs and continued to ignore commands. Officer Mitchell was able to place one handcuff on Raul's left arm. Officer Lewis was able to place a handcuff on Raul's right wrist. Officer Hersh was able to push Raul's right arm towards Raul's left arm, this gave officers the ability to put the handcuffs together.

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Officers began to escort Raul down the next flight of stairs and Raul slipped on the stairs causing him to fall. Raul admitted that he was tired from fighting with officers.

Lifecare was detailed to the scene to check on Raul. Raul was drive stunned and has a pacemaker. Raul suffered minor injuries to his left hand. Raul was advised he would be taken to Elyria UH for a checkup. As Raul was taken into the rear of the ambulance, Raul admitted he took Officer Mitchells taser and that he was going to defend himself. This statement can be heard on BWC.

During the course of the events with Raul his Mother, Debra Fusik attempted to intervene with the apprehension of Raul. Debra placed her hand on the side of Officer Mitchell attempting to get in the way of the arrest. Officer Mitchell gave multiple commands to Debra to get away from the area. Debra attempted to deceive Officer Mitchell by picking up broken items on the staircase.

Raul was transported to Elyria UH for a medical evaluation. Following evaluation Raul was transported to the Lorain County Jail and will be held with no bond pending court appearance.

Debra and her other son, Daniel Bolger later came to the Elyria Police Department to speak with officers regarding the door damage. Officers advised Daniel it was a civil issue due to Brittany having residency at 123 Garvin Ave.

Officers took Debra into custody at this time and transported her to the Lorain County Jail where she will be held with no bond pending a court appearance.