

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98 04/10/2013

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/24/2013 12:00:52	SUPPLEMENT	(110313) SMITH, CHRISTOPHER J
Contact Name		Supervising Officer

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### Supplement Notes

Supplemental Report 01/22/12

Initial interview with [REDACTED]

On 01/22/13 Det. Smith contacted [REDACTED] of [REDACTED] and asked him if he could meet with Det. Smith at the Sheetz store located in Brunswick to speak with Det. Smith about the events that occurred at the movie theatre on 01/12/13. A written statement from [REDACTED] had already been obtained by Dfc. Openshaw on the 12th but Det. Smith needed more information as well as to ask [REDACTED] some specific questions.

Det. Smith met [REDACTED] at 1730 hrs, at the Sheetz store where Det. Smith completed the interview in his police vehicle.

Det. Smith asked [REDACTED] if he could tell Det. Smith what he saw on 01/12/13 at the Regal Cinemas, theatre #9. [REDACTED] advised that he and his friend [REDACTED] went to the movies on 01/12/13 to see Zero Dark Thirty. [REDACTED] advised that they arrived at 1020 hrs. [REDACTED] advised that they were sitting in their seats just about in the middle of the upper seating area. [REDACTED] advised that they were sitting in their seats for approximately 10 to 20 minutes when they observed three guys approach a white male that was sitting in the first row near the entrance to the theatre. Det. Smith asked [REDACTED] if he could tell if the three guys were Deputy Sheriff's and he advised that he thought that they were security guards.

[REDACTED] advised that the three Deputies talked to the male for a few minutes at which time the male started to yell and scream at the three guards telling them "fuck you, I'm not leaving." [REDACTED] advised that the Deputies then picked the guy up and removed him from his seat. [REDACTED] advised that the male was yelling and screaming at the three Deputies to leave him alone. [REDACTED] advised that after removing the male from his seats that the Deputies put the male against the wall and attempted to handcuff him but were unable to. Det. Smith asked [REDACTED] if the Deputies slammed the male up against the walls and he advised that they pushed him up against the wall but it was not real hard. [REDACTED] advised that the Deputies then pulled the male towards the exit and down the walk way at which time he could no longer see anyone due to a wall being in the way. [REDACTED] advised that after they were behind the wall he could hear the male yelling and screaming for about one to two minutes and that he heard what he thought were handcuffs closing and then there was silence. [REDACTED] advised that 5 to 10 minutes later ambulance personnel came into the theatre through the back door and took the male that the Deputies were dealing with out on a cot. Det. Smith asked [REDACTED] if he looked over the wall to see what was going on and he advised that he did not. Det. Smith asked [REDACTED] if he saw where the Deputies grabbed the male to get him out of his seat and he advised that he did not really pay attention. Det. Smith asked [REDACTED] if he saw any of the Deputies punch or kick the male and he advised, No. Det. Smith asked [REDACTED] if he saw any of the Deputies use a taser or baton on the male and he advised, no. Det. Smith asked [REDACTED] if he thought that the amount of force used by the Deputies should have been less or more and he advised, less. Det. Smith asked [REDACTED] if there was any other information that he felt was pertinent to the investigation that he had needed to tell Det. Smith and he advised, No.

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Supplement Date	Supplement Type	Supplement Officer
01/24/2013 12:26:35	SUPPLEMENT	(110313) SMITH, CHRISTOPHER J
Contact Name		Supervising Officer

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### Supplement Notes

Supplemental Report 01/14/13

Second interview with [REDACTED]

On 01/14/13 Det. Smith contacted [REDACTED] for a second time and asked her if she could come to the Frederick County Sheriff's Office to speak with Det. Smith about the events that occurred at the movie theatre on 01/12/13. Det. Smith advised her that even though she was interviewed on 01/12/13 at Frederick Memorial Hospital and provided a written statement, Det. Smith had some other specific questions to ask her.

When [REDACTED] arrived Det. Smith took her into the Interview room in the CID Suite. Det. Smith asked [REDACTED] if she could tell Det. Smith exactly what he saw on 01/12/13 in theatre #9 again. [REDACTED] advised Det. Smith that her and Ethan had gone to the movies to see Zero Dark Thirty. [REDACTED] advised that she bought Ethan Butterfingers and a soda which he did not want the soda. [REDACTED] advised that they watched the movie which ended at approximately 2215 hrs. [REDACTED] advised that her and Ethan exited the theatre. [REDACTED] advised that her and Ethan were walking down towards the Lens Crafters when she asked Ethan if he was ready to walk to the car. [REDACTED] advised that Ethan got upset and punched the window of Lens crafters and then starts cursing at her. [REDACTED] advised that she called Ethan's mother, Patti because she was scared and asked her what to do. [REDACTED] advised that Patti told her to just wait him out and his attitude will change. [REDACTED] advised that after hanging up with Patti she received a phone call from Ethan's other care giver, [REDACTED]

[REDACTED] advised that [REDACTED] told her to leave Ethan where he was and to go and get her car and drive it up closer to where they were located and that by the time she did this Ethan should be in a better mood and get in the car with her. [REDACTED] advised that she was leaving Ethan to go get the car when she saw Ethan walking back towards the movie theatre. [REDACTED] advised that she observed Ethan walk back into the movie theatre and back into theatre #9.

[REDACTED] advised that she was in the lobby speaking with Patti when a manager of the movie theatre approached her and talked to her about Ethan not being able to see the movie again unless he paid. [REDACTED] advised that Patti told her not to let anyone talk to Ethan about leaving the theatre and to just wait him out.

[REDACTED] advised that she was then approached by a Deputy Sheriff who asked her what was going on. [REDACTED] told him about Ethan and that his mother said to just wait him out. [REDACTED] advised that the manager then called on his radio for a off duty Deputy Sheriff to respond to the lobby area. [REDACTED] advised that the Deputy spoke with the movie theatre manager and then entered theatre #9 to speak with Ethan. [REDACTED] advised that she could hear Ethan yelling and screaming in the theatre telling the Deputies "Fuck you I'm not leaving." [REDACTED] advised that not long after hearing the screaming two more Deputy Sheriffs showed up and entered the movie theatre. [REDACTED] advised that she walked into the entrance to the theatre where she could hear Ethan screaming "Fuck you, I'm not leaving" and "leave me alone." Det. Smith asked [REDACTED] if she has ever seen Ethan act this way before and she advised that about two weeks ago her and Ethan were at a club over near Mount Airy and he acted up just like this and the police were called but she was able to get Ethan to leave before they arrived.

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█████ advised that she did not completely enter the theatre enough to see where Ethan was sitting but when the Deputies brought Ethan around the corner and into the hallway she observed, Ethan jumping, kicking and screaming as the Deputies attempted to remove him from the theatre. █████ advised that while walking Ethan down the hallway Ethan went to the ground along with the Deputies. Det. Smith asked █████ if Ethan fell or if the Deputies took him to the ground. █████ advised that she was unsure of what happened. █████ advised that the Deputies wrestled with Ethan for a few minutes and were able to put handcuffs on him. █████ advised that she was told that they used three sets of handcuffs linked together to handcuff Ethan.

█████ advised that Ethan was on his stomach for about two minutes handcuffed before the Deputies took the handcuffs off Ethan, rolled him over and started CPR on him (just compressions). Det. Smith asked █████ if she saw anyone on top of Ethan and she advised that there were Deputies on his back when they were handcuffing him and that after handcuffing Ethan it looked like one of the Deputies was kneeling next to or on top of him but she could not be sure due to it being dark in the walk way. █████ advised that after doing CPR on Nathan for a minute or so Ethan started breathing again and the Deputies rolled him over on his side. █████ advised that she could hear him breathing because it sounded like he was snoring. █████ advised that Ethan laid on his side for about four minutes before the Deputies asked her to try and wake Ethan up. █████ advised that she walked over to Ethan who was still lying on his side and breathing and rubbed his stomach in an attempt to wake him but she got no response. █████ advised that the medics then arrived on scene and rolled Ethan over on his back and said that he was no longer breathing and they started CPR on him again. █████ advised that Ethan was transported out to the ambulance through the back door of the theatre and one of the medics told her to go get her vehicle and pull it around to the back of the theatre and follow the ambulance to the hospital.

█████ advised that when she pulled behind the Ambulance she sat there for about seven minutes before the ambulance drove to the hospital. █████ advised that she used this time to call Ethan's mother and let her know to go to the hospital.

Det. Smith asked █████ if she saw any of the Deputies hit, punch or kick Ethan in anyway and she advised, No. Det. Smith asked █████ if she saw any of the Deputies grab Ethan around his neck and she advised, no. Det. Smith asked █████ if she saw any of the Deputies sitting or kneeling on Ethan and she advised, no. Det. Smith asked █████ for an approximate time that the whole incident occurred and she advised, "about 20 minutes." Det. Smith asked █████ if there was any other information that she could provide that may help in the investigation and she advised, no.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/24/2013 12:47:51	SUPPLEMENT	(110290) BYERS, ERIC C
Contact Name		Supervising Officer

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### Supplement Notes

Witness interview: [REDACTED]

On 1/14/13 Sgt. Byers conducted a witness interview with [REDACTED]. [REDACTED] was a witness to the incident that took place on 1/12/13 at the West View Promenade. Dfc. Jeff Openshaw had obtained a written statement from [REDACTED] on the night of the incident. Sgt. Byers reviewed a copy of that written statement prior to conducting the interview with [REDACTED].

Prior to conducting the interview, Sgt. Byers identified [REDACTED] by his Maryland driver's license. Sgt. Byers wanted to establish where [REDACTED] was seated in the movie theater to better understand his vantage point. [REDACTED] told Sgt. Byers he was in the "middle-middle". What [REDACTED] meant, was he was half way up in the aisle seats and in the middle of that row of seats. Sgt. Byers later had [REDACTED] draw a map of the theater to better understand his exact location. [REDACTED] believed he was approximately 50 feet from where the subject, Robert Ethan Saylor, was seated.

Sgt. Byers asked [REDACTED] if the lights were on in the theater at the time of the incident. [REDACTED] said the movie had not started and the lights were still on at the time. Sgt. Byers asked [REDACTED] if he could describe the deputy that initially made contact with Mr. Saylor. [REDACTED] described the initial deputy as being "well built", bald and approximately 5'8" to 5'10" in height. [REDACTED] said this deputy had a tight fitting black shirt on with a "police symbol" on it. Sgt. Byers asked [REDACTED] if he heard this deputy announce that he was the police. [REDACTED] said he did not recall if this deputy said he was the police. [REDACTED] said there were two other subjects standing behind this deputy. [REDACTED] presumed they were police officers as well.

Sgt. Byers asked [REDACTED] what he heard the deputy say to the subject. [REDACTED] said the deputy asked the subject multiple times to leave. [REDACTED] said the subject, later identified as, Robert Saylor, told the deputies "Fuck you". [REDACTED] said all three of the deputies picked the subject up out of his seat. Sgt. Byers asked [REDACTED] if any of the deputies punched or struck the subject. [REDACTED] said there were no punches. According to [REDACTED], the deputies did struggle with getting the subject out of his seat, because of his size. And he was resisting. [REDACTED] estimated this took 30 seconds to get him out of the seat.

[REDACTED] said all three deputies had to drag the subject toward the exit. [REDACTED] said all three deputies had a grip on the subject. [REDACTED] said he could hear the sound of at least one handcuff being placed on the subject.

[REDACTED] told Sgt. Byers all three deputies escorted the subject out of the theater. Sgt. Byers asked [REDACTED] what he heard once the subject was out of his sight. [REDACTED] said he heard the subject say something to the effect of, "it hurt, call my mom" Kevin said this subject repeated this several times. [REDACTED] said he heard this subject scream this and then it went silent. [REDACTED] said approximately 1 minute later, the manager came in and said the movie would be delayed.



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█████ said approximately 5 minutes later the paramedics walked in the back door. The paramedics/EMT brought a stretcher. The paramedics then transported the subject out the back door. █████ observed the paramedics doing chest compressions on the subject. The subject also had a breathing apparatus on his face.

█████ said he did not observe any weapons being used on the subject. █████ said the subjects had to use a good amount of force to get the subject out of his seat. Sgt. Byers asked █████ to describe the demeanor of the deputies. █████ said the deputies were calm until the subject became "vulgar". █████ described the deputies' action at this point as "appropriate for his (the subject's) reactions."

During the next portion of the interview Sgt. Byers reviewed the written statement with █████. During the review of the statement, Sgt. Byers noticed that █████ wrote something about the deputies identifying themselves as the police. Sgt. Byers questioned █████ about this. █████ said he called one of the deputies responding, "We are the police". █████ believed this happened within 15 seconds of the initial contact. █████ said one of the deputies followed this statement by saying, "you are coming with us". █████ said the subject was cursing to the deputies and said he wanted to watch the movie again. █████ said the subject was not getting up out of his seat.

Sgt. Byers asked █████ if he ever saw the movie theater manager confront the subject. █████ said he did not see the manager speak to the subject. Sgt. Byers asked █████ if he went to look around the corner to see what happened. █████ said he did not look around the corner to see what was taking place. █████ did say a couple of people in the theater did lover over the wall to see what was going on. █████ said he initially heard the subject screaming something about calling his mom. █████ said after that, it went silent.

█████ told Sgt. Byers he could hear a female voice on the other side of the wall. █████ said he heard this person say she was the subject's guardian. █████ said he heard this subject go outside to make a call. █████ told Sgt. Byers this subject said she watches the subject 24/7. This person said Mr. Saylor watched the movie earlier and wanted to see it again. Sgt. Byers believed the person █████ was referring to was the female caretaker with Mr. Saylor.

Sgt. Byers noted that █████ wrote in his statement something about no "immediacy" with the paramedics. Sgt. Byers asked █████ to explain what he meant by this statement. █████ said it appeared as if the paramedics were "taking their time" getting the subject to the ambulance. █████ thought they would have been in a bigger hurry to get the subject into the ambulance.

At the conclusion of the interview Sgt. Byers asked █████ if he had any issues with what he saw the deputies do that night. █████ said he had no issues with what the deputies did. █████ did say the deputies were not wearing a uniform. There was a badge on the shirt, but did not see a gun or anything else displayed as part of the uniform.

Sgt. Byers concluded the interview with █████.

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## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/24/2013 13:18:51	SUPPLEMENT	(110290) BYERS, ERIC C
Contact Name		Supervising Officer

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## Supplement Notes

Witness Interview: [REDACTED]

On 1/14/2013 Sgt. Byers conducted a witness interview with [REDACTED] [REDACTED] was a witness to the incident that occurred at the West View Promenade on 1/13/13. [REDACTED] had prepared a written statement on the night of the incident. Dfc. Openshaw recovered the written statement from [REDACTED] and provided a copy to investigators.

Sgt. Byers reviewed the copy of the written statement prior to conducting the interview. Sgt. Byers wanted to establish where [REDACTED] was sitting in the movie theater on the night of the incident. [REDACTED] stated he and his son were sitting in the same row as Robert Ethan Saylor. [REDACTED] advised there were two (2) other people seated between him and Mr. Saylor. [REDACTED] and his son were seated towards the opposite end of the row.

Sgt. Byers asked [REDACTED] if the lights were on or off at the time of the incident. [REDACTED] stated the lights were on, but dimmed. [REDACTED] said that he and his son were already seated when Mr. Saylor entered the theater. [REDACTED] did say his son saw Mr. Saylor out of the theater after the first showing. [REDACTED] stated he did not personally see this. [REDACTED] did not take note of Mr. Saylor until the incident drew his attention.

Sgt. Byers asked [REDACTED] to describe the incident involving Mr. Saylor and the deputies. [REDACTED] stated he observed a subject wearing a dark shirt approach Mr. Saylor. [REDACTED] stated he initially believed this was an employee for the movie theater, but later learned this was a deputy. [REDACTED] said this subject was wearing a black or dark colored shirt. [REDACTED] described this subject as being "matter of fact" and "professional". Sgt. Byers believed the subject [REDACTED] was referring to was Sgt. Rochford.

[REDACTED] described Mr. Saylor as acting "belligerent". [REDACTED] said Mr. Saylor said to the deputies, "Fuck You." [REDACTED] stated the deputy dealing with Mr. Saylor "kept his calm". According to [REDACTED] the deputies eventually told Mr. Saylor that he need to get up and leave. [REDACTED] believed he heard one of the deputies say something about Mr. Saylor going to jail.

[REDACTED] said the two subjects standing behind the initial deputy had "police stuff" on their person. [REDACTED] said they were not regular uniforms, but he could tell they were police. [REDACTED] could not provide descriptions for each of the deputies.

Sgt. Byers asked [REDACTED] what Mr. Saylor said to the deputies. [REDACTED] heard Mr. Saylor tell the deputies "Fuck you, I'm not leaving." The response given by the deputy dealing with Mr. Saylor was, "Sir you have to leave you already saw the movie." [REDACTED] said the verbal exchange between the deputies and Mr. Saylor lasted about a minute or two. [REDACTED] stated it the deputies then told Mr. Saylor he was going to jail.

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██████████ stated he observed all three deputies place their hands on Mr. Saylor and attempt to remove him from the seat. ██████████ stated he did not observe the deputies use any weapons on Mr. Saylor. ██████████ described Mr. Saylor as being "angry". ██████████ said that Mr. Saylor told the deputies to let him go. It was obvious that Mr. Saylor wanted the deputies to leave him alone. ██████████ also used the word "mad" to describe Mr. Saylor's attitude.

██████████ said the deputies took Mr. Saylor towards the exit out of view. ██████████ believed the deputies took him to the ground, but did not actually see this. ██████████ said he could hear Mr. Saylor "whine and cry" when he was on the other side of the wall. ██████████ heard Mr. Saylor say something about calling his mother or something similar to that. ██████████ said things went quiet and he no longer heard Mr. Saylor.

██████████ said he heard the police officers asking for an AED. ██████████ stated he never left his seat to go over and see what was happening. ██████████ said another guy seated near the entrance walked over to see what was happening. ██████████ said this was an older gentleman, with who he presumed was his wife. The wife was described as having a leg injury and possibly using a walker.

██████████ said the next thing that happened was he observed the paramedics walking in the back door to the movie theater. ██████████ said he could see the ambulance parked outside the theater door. ██████████ told Sgt. Byers the paramedics brought in equipment to use on Mr. Saylor. Approximately 10 to 15 minutes later, ██████████ said he observed the paramedics bring Mr. Saylor around the corner. Mr. Saylor was on a stretcher and the paramedics were doing chest compressions on him. ██████████ said the paramedics did not appear to be in a hurry. ██████████ said if felt like Mr. Saylor was already dead at this point.

██████████ said the next thing he remembered were the deputies coming into the theater asking for written statements. ██████████ said he did forget to put something into his statement. ██████████ said there were two people sitting next to them. The deputies asked these two subjects to come around the corner. When the two witnesses returned to their seats they told ██████████ they saw Mr. Saylor on the ground and could hear him snoring. ██████████ said this occurred before Mr. Saylor was transported out of the theater on a stretcher.

Sgt. Byers told ██████████ he was going to review the written statement with him and ask him some questions. Sgt. Byers noticed in the written statement ██████████ used the statement, "forcibly remove him". Sgt. Byers wanted ██████████ to define what he meant by this. ██████████ stated that all three deputies ad to grab Mr. Saylor to pull him out of the seat. ██████████ said it took a lot of effort to get Mr. Saylor out of the seat. ██████████ sated he could hear the struggle that occurred on the other side of the wall. This struggle only lasted a minute or two. ██████████ said he heard a handcuff being closed, but did not see the actual handcuffs.

Sgt. Byers asked ██████████ to describe Mr. Saylor. ██████████ said that Mr. Saylor was "confrontational". ██████████ said Mr. Saylor was not listening and was not being quiet about it. ██████████ said he could tell from where he was sitting that Mr. Saylor had "special needs".

██████████ said generally speaking, the deputies "very polite" and "very professional". ██████████ said the deputies did not say anything to make him think they were bad guys. ██████████ further commented the deputies were "doing their job". ██████████ said the deputies probably did not know who this guy was. ██████████ did not have any other information to add. The interview was concluded at this time.

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01/24/2013 14:04:28	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name		Supervising Officer

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### Supplement Notes

SUPPLEMENTAL REPORT: January 18, 2013

INTERVIEW WITH [REDACTED]:

On January 18, 2013 [REDACTED] arrived at the Sheriff's Office for a follow up interview. [REDACTED] stated that he and his buddy, [REDACTED] arrived at the theater between 2230 - 2340 hours. [REDACTED] stated that they had to wait a short time while the theater was being cleaned.

[REDACTED] stated that they entered the theater and sat in the middle of the bleacher section about four to five rows behind the male subject. [REDACTED] stated that the male subject was sitting in the first seat in the first row of the bleacher section.

[REDACTED] stated that they were sitting in their seats waiting for the previews to start when a uniformed cop came into the theater and started speaking to the male subject. [REDACTED] stated that the cop was standing at the railing with both hands on the railing. [REDACTED] stated at first he could not tell what the cop and male subject were talking about. [REDACTED] stated that as the male subject started raising his voice and cursing at the cop. [REDACTED] stated the cop told the male subject that he already watched the movie and needed to buy a ticket. [REDACTED] stated that the cop and male subject went back and forth a couple of times. [REDACTED] stated that while the first cop was trying to get the male subject to leave, two more cops showed up stood behind the first cop.

[REDACTED] stated that the first cop told the male subject that if he didn't leave he would be arrested. [REDACTED] stated that the male subject responded by saying that he was not going to be arrest and was not leaving. [REDACTED] stated that the first cop then grabbed the male subject by his wrist and bicep area and attempted to twist the male subject's arm behind his back. [REDACTED] stated that the male subject was struggling with the cop and did not want to leave. [REDACTED] stated that the male subject was a big guy and the first cop could not lift him out of his seat. [REDACTED] stated that the other two cops assisted the first cop in getting the male subject to his feet. [REDACTED] stated that one of the other cops grabbed the male subject's other wrist and bicep area and twisted his arm behind his back.

[REDACTED] stated that the cops struggled to get the male subject to his feet. [REDACTED] stated that after the cops got the male subject to his feet, they started walking him down the step and around the corner. [REDACTED] stated that from when the cops grabbed the male subject to where they went out of sight behind the wall was a very quick time frame. [REDACTED] stated that from his view point, he could not tell if the third cop who was behind the male subject had a hold of him or not. [REDACTED] did state that what he saw before they went behind the wall was that none of the cops had a hold of the male subject around the neck area. [REDACTED] stated that there were no punches thrown by any of the involved.

[REDACTED] stated that as they went behind the wall, the cops were "definitely struggling" with the male subject. [REDACTED] stated that the male subject was screaming "get off of me, call my mom." [REDACTED] stated that the male subject was "freaking out" and in a "panic."

[REDACTED] stated that within moments of them going behind the wall, he heard a loud thud as if all four guys were hitting the floor. [REDACTED] stated that he heard the "clicking" of handcuffs while the male subject continued screaming. [REDACTED] stated that he did not get out of his seat to watch and does not recall if anyone else moved to the railing to see what was going on.

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█████ stated that shortly after hearing the "clicking" of the handcuffs, the male subject stopped screaming. █████ stated that he heard additional "clicking" of handcuffs and did not know if the cops were adjusting them or what.

█████ stated that he heard a female's voice talking to the cops. █████ stated that the female told the cops that she was the male's care provider. █████ stated that the female told the cops that the male loved the movie and wanted to watch it again. █████ stated that from the male subject's features and his speech, it was clear that he had some kind of mental handicapped.

█████ stated that just after hearing additional adjustments of the handcuffs, he heard the cops call for an ambulance. █████ stated a few minutes later, EMS entered the theater through the emergency doors.

█████ again stated that at no time during what he could see, none of the cops had a hold of the male subject's neck or head area. █████ stated that two of the cops had the "arm twist thing that you guys do" on the male subject.

█████ stated that the cops were calm at first but got louder as the male subject started struggling with them. █████ stated that there is a million ways that the incident could have been handled differently knowing the male subject's mental capacity. █████ did state that the cops were professional in their actions.

█████ could not provide any further information at the time. █████ had already given a voluntary written statement on the night of the incident.

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01/24/2013 15:46:01	FOLLOW UP	(110290) BYERS, ERIC C
Contact Name		Supervising Officer

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### Supplement Notes

Witness Interview: [REDACTED]

On 1/14/13 Sgt. Byers conducted a witness interview with [REDACTED] at the Law Enforcement Center. [REDACTED] was a witness to the incident at the West View Promenade on 1/13/13. Sgt. Byers had interviewed [REDACTED] father prior to conducting this interview. [REDACTED] was able to provide where he and his son, [REDACTED], were sitting in the theater.

[REDACTED] told Sgt. Byers he and his father were standing outside the theater waiting to go inside. [REDACTED] said the employees were still cleaning the theater from the prior showing. [REDACTED] said he observed the subject, later identified as Robert Saylor, coming out of the theater. [REDACTED] said he could tell by looking at Mr. Saylor that he had Down syndrome. [REDACTED] described Mr. Saylor has a "big guy".

[REDACTED] told Sgt. Byers he and his father went inside the movie theater and sat in a seat. At some point, [REDACTED] said he saw Mr. Saylor come back into the movie theater. [REDACTED] said he thought this was odd, because he saw Mr. Saylor coming out of the theater after the previous showing. [REDACTED] said this drew his attention to Mr. Saylor.

Approximately 5 minutes passed and [REDACTED] said he observed an officer walk up to Mr. Saylor. [REDACTED] said the officer/deputy was wearing a black jacket with tan pants. [REDACTED] said he observed a Sheriff's logo on this deputy's clothing. [REDACTED] said he heard one the deputy say something about being the "real police". [REDACTED] then heard the deputy tell Mr. Saylor that he could not sit in the theater. According to [REDACTED], this was when Mr. Saylor said, "fuck you" to the deputies.

[REDACTED] said he heard the deputies tell Mr. Saylor he was going to go to jail. [REDACTED] said he assumed by the deputy's jacket he was a police officer. [REDACTED] told Sgt. Byers he witnessed the deputies struggle getting Mr. Saylor out of his seat. The estimated time for the struggle getting Mr. Saylor out of the seat took about 2 to 3 minutes. Sgt. Byers asked [REDACTED] how many deputies he observed in this struggle. [REDACTED] said at first there was one deputy dealing with Mr. Saylor. [REDACTED] said two other deputies then approached to assist the first deputy.

[REDACTED] told Sgt. Byers he heard the sound of a handcuff being placed on Mr. Saylor. [REDACTED] said he also heard someone tell Mr. Saylor to put his left arm behind his back. [REDACTED] told Sgt. Byers the deputies put Mr. Saylor against a wall before they went around the large wall. [REDACTED] said the deputies had Mr. Saylor up against the corner of a short wall. [REDACTED] could not describe how each of the deputies had control of Mr. Saylor. [REDACTED] said that Mr. Saylor was trying to fight the deputies at this point.

[REDACTED] said the deputies took Mr. Saylor behind the large wall that leads to the exit of the theater. [REDACTED] said he hear some "grunting" noises coming from behind the wall. [REDACTED] heard someone say "put your left arm behind your back". [REDACTED] said he heard Mr. Saylor



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yell for his mother. [REDACTED] said he heard some "random" yelling coming from behind the wall. At some point in time, [REDACTED] said he stopped hearing any yelling. [REDACTED] did say he heard a communication on a radio. [REDACTED] then heard someone ask for an AED. [REDACTED] did not believe there was an AED available.

A short time later, [REDACTED] said a uniform deputy walked into the theater. This deputy asked two subjects in the theater to walk around the corner. Both subjects returned to the theater and sat back down in their seats. [REDACTED] learned from these two subjects that Mr. Saylor was lying on his side on the ground. These subjects told [REDACTED] they heard Mr. Saylor snoring.

Several minutes later [REDACTED] said the ambulance arrived at the theater. [REDACTED] said he observed the EMT's bring Mr. Saylor out on a stretcher. [REDACTED] did not hear anything after Mr. Saylor was transported out of the theater.

Sgt. Byers asked [REDACTED] how long he heard Mr. Saylor yelling behind the wall. [REDACTED] said he could hear Mr. Saylor for less than a minute once he went behind the wall.

[REDACTED] told Sgt. Byers that an older gentleman and his wife were sitting near the wall. The male subject looked down over the wall to see what was going on. [REDACTED] said another subject in the theater also walked over and looked to see what was taking place. [REDACTED] said he did not leave his seat to see what was happening.

[REDACTED] told Sgt. Byers he could not think of much the deputies could have done differently. [REDACTED] said the deputies were not overly forceful with what they did. [REDACTED] said he could only speak for what he saw before they went around the corner. [REDACTED] described the initial deputy's demeanor as "really calm" and "real polite". [REDACTED] said the other two deputies were more "rigid". [REDACTED] told Sgt. Byers he did not observe any of the deputies strike Mr. Saylor. Sgt. Byers asked [REDACTED] if he saw the deputies use any weapons on Mr. Saylor. [REDACTED] said he did not see anyone use any weapons on Mr. Saylor. [REDACTED] told Sgt. Byers he was unsure where the deputies physically grabbed a hold of [REDACTED] to pull him out of the seat.

Sgt. Byers concluded the interview with [REDACTED] at this time.

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## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/25/2013 09:10:49	SUPPLEMENT	(110334) ENSOR, MICHAEL D
Contact Name	Supervising Officer	

452

## Supplement Notes

On 01/23/2013 at approximately 1330 hours, I, Dfc. Ensor #0334, was contacted via telephone by Cpl. Dewees. Cpl. Dewees stated that he was directed by Lt. Hibbard to have me complete a supplemental report in reference to my involvement with a call that originated at the Westview Promenade Regal Cinema on the night of 01/12/2013. Cpl. Dewees further advised that I was unable to access the iLeads report as it was "locked" and instructed me to complete the supplemental report in Microsoft Word and email it directly to Keesha King and "cc" a copy to Cpl. Warner. The following emailed word document is to serve as an iLeads supplement and was completed as such by direction of my supervisors.

On 01/12/2013, I, Dfc. Ensor #0334, was on patrol and working evening shift as a member of team 3 and was assigned to areas two and nine. I heard Sgt. Easterday request a deputy to respond to Frederick Memorial Hospital. I recall answering via radio that I would respond as I was close to Frederick Memorial Hospital. Upon arrival, I met with Sgt. Easterday and Sgt. Rochford outside of the rear doors of the emergency room. Sgt. Easterday requested that I walk through the first set of doors with him. Once in between the two sliding glass doors, Sgt. Easterday told me that earlier in the evening there was a disturbance in the movie theatres at the Westview Promenade. It was reported to him that a male subject was belligerent, became violent, was hitting glass, and refused to leave the theatres. Sgt. Rochford was asked by the theatre management to assist with the incident. After the male failed to comply with several orders given to him and continued his violent aggressive behavior, he was placed in handcuffs. Once in handcuffs, the male subject had some sort of medical emergency and EMS was immediately called. The male subject was then transported to Frederick Memorial Hospital where he was ultimately pronounced dead by hospital staff. Sgt. Easterday advised me that this incident may be handled as an "in-custody death" and investigated as such. I was then asked by Sgt. Easterday to stand near the room where the deceased male was. Sgt. Easterday advised me that family members that were present were allowed to go into the room and asked that I remain there in case I was needed. I remained in the immediate area of the room in case I was needed. After some time passed, I was relieved and went to my cruiser where I saw Sgt. Rochford sitting in Cpl. Dewees' cruiser. Sgt. Rochford mentioned that he wanted to get something to eat. I offered him to take my cruiser as I believed that I would be remaining at the hospital for some time, and he left in my cruiser. After Sgt. Rochford returned, I was asked by Cpl. Dewees to drive Sgt. Rochford to the Law Enforcement Center and to return to Frederick Memorial Hospital once Sgt. Rochford was dropped off. During my entire contact with Sgt. Rochford to include driving him to the Law enforcement Center, I purposely did not speak to him about the aforementioned incident. Sgt. Rochford did not mention anything about the incident to me either. To the best of my recollection, we spoke of his children. Once we arrived at the Law Enforcement Center, I walked with Sgt. Rochford into the Patrol Cubicle Room. I asked Sgt. Rochford if he was "OK" and if he needed anything. Sgt. Rochford said that he was "OK" and that he did not need anything. I then returned to Frederick Memorial Hospital where I resumed my post in the immediate area of the room where the deceased male was. I remained there until after the body was released to the Medical Examiner and I was advised by Cpl. Dewees that I could leave the hospital and secure for the night.

All events occurred in Frederick County, Maryland.

\*\*This report was emailed at approximately 1910 hours on 01/23/2013\*\*

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## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/25/2013 09:11:58	SUPPLEMENT	(110263) HIBBARD, RONALD D JR
Contact Name		Supervising Officer

432

## Supplement Notes

On January 13, 2013 at 12:01 AM I received a call on my agency cell phone from Sgt. Easterday. Sgt. Easterday asked me if I had received any notifications and if I was aware of an incident at the Westview movie complex. I informed him that I was not aware and had not received any other calls. The sergeant then told me that deputies working off duty had been involved in an incident with an individual who was now at the hospital and deceased. He identified the deputies involved as Sgt. Rochford, DFC Harris, and Lt. Jewell. Sgt. Easterday further stated that the deceased individual was a person I was familiar with named Ethan Saylor. Saylor had made numerous 911 calls over the last year and I was familiar with his name because of those issues. It was unclear to the sergeant at that point what exactly had occurred but I recall him providing me with the following information: Saylor had been watching a movie with his caretaker. Once the movie was over he refused to leave the theaters and Sgt. Rochford had been asked by the manager to assist him. Sgt. Rochford and the other two deputies attempted to have Saylor leave but were unsuccessful. At some point the deputies physically tried to escort Saylor from the theater when he wound up on the ground. A short time later Sgt. Rochford called for EMS. At some point Saylor went into cardiac arrest and was now deceased.

Sgt. Easterday informed me that Cpl. Dewees was at Frederick Memorial Hospital and that he, the sergeant, was on the way to the incident location. I directed Sgt. Easterday to secure the scene and asked if Lt. Jewell had made notification to Captain Barrick. Sgt. Easterday was not sure if the captain had been notified; therefore, I attempted to call Capt. Barrick on his agency cell phone. He did not answer initially but called me back several minutes later. Captain Barrick informed me that Lt. Jewell had notified him and that he was aware of the situation, although he did not have specific details. I offered to respond to the scene and was directed to do so. I contacted Sgt. Easterday and informed him that I would be responding. I also learned that Sgt. Rochford was at FMH and that Lt. Jewell and DFC Harris were at the movie complex. I had several phone conversations with Sgt. Easterday and Capt. Barrick while driving to the scene. During those conversations I learned of and directed the following actions:

- Secure the scene of the encounter and treat it as a "regular" crime scene would be treated.
- Segregate and begin to identify witnesses. Remove involved personnel from participation in the incident.
- Have the three involved deputies transported to the LEC. This was countermanded by Captain Barrick who informed me that Director Bartgis wanted the deputies to remain at the scene.
- Sgt. Rochford was taken to the LEC from FMH. Sgt. Rochford called me on my cell phone and advised that he was at the LEC awaiting further instructions.

- The theater in which this incident occurred was playing another movie. I directed that the movie be stopped and the scene secured. I arrived at the Westview facility at approximately 12:50AM and made contact with Sgt. Easterday in the lobby of the theaters. I observed that numerous patrons were seated at tables and appeared to be completing written statements. Lt. Jewell and DFC Harris were standing around the corner by themselves. After speaking with Sgt. Easterday briefly, I approached Lt. Jewell and DFC Harris and inquired if they were "ok." Both said that they were and made no other statements. While standing with them we were approached by Tom Chase who was there on behalf of FOP legal representatives. Mr. Chase asked if he could walk through the scene. I had not yet received a walk through; therefore, I asked him to wait.

Sgt. Easterday then took me through the movie theater where the incident occurred. In the theater I observed DFC Holler had the scene secured and was speaking with numerous movie goers.

A short time later Director Bartgis arrived on the scene. I met with her briefly at the front door and explained what was occurring with the investigation. Major Morton arrived on the scene and both he and the director were taken through the scene by Sgt. Easterday. Captain Barrick arrived a short time later. After discussions with the command staff, Captain Barrick and Major Morton transported Lt. Jewell and DFC Harris

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to the LEC. I remained at the scene until Cpl. Warner and Detective Smith arrived.

Sgt. Rochford called me briefly since no one had arrived at the LEC. I had no further contact with the involved deputies until returning to the LEC at approximately 3:30AM. Between the time I arrived at the LEC and left at approximately 5:00AM I had only routine contact with the deputies involved and the incident was not discussed.

I transported Sgt. Rochford back to his vehicle at Westview after 5:00AM. During the ride Sgt. Rochford made several brief comments during conversation. The comments were generally related to the incident but did not involve specific descriptions of any actions taken by him or other deputies. I had no conversations specifically related to the incident with Sgt. Rochford or the other deputies involved.

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## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/25/2013 09:12:44	SUPPLEMENT	(110306) EASTERDAY, MICHAEL W
Contact Name	Supervising Officer	

453

## Supplement Notes

Supplement for IR # 13-3647

On 1/12/13 I, Sgt. M. Easterday, was working as the midnight patrol shift supervisor. At approximately 2255 hours I heard Sgt. Rochford communicate with dispatch that he needed an ambulance to respond to the movie theaters at Westview. I was aware that Sgt. Rochford regularly works secondary employment at that location. There were additional radio communications from Sgt. Rochford indicating the subject was breathing, but was not conscious and alert. I was also aware at this time that several on duty patrol units responded to the location to assist the off duty units working secondary employment.

At approximately 2215 hours I was contacted by Lt. Jewell asking if I was working. I was aware that Lt. Jewell also regularly works secondary employment at the movie theaters and he was likely there. I responded that I was and he asked me to meet Sgt. Rochford at the hospital. He indicated Sgt. Rochford was riding in the ambulance with the subject they requested medical assistance for. He also informed me that the subject was Ethan Sailor. I was not familiar with Sailor by name, however, once it was explained where he lived I was familiar with the history of calls for service at the residence.

While responding to the hospital I reviewed the calls for service on my MDT and became aware through the EMS call that Sailor was in cardiac arrest. I contacted Lt. Jewell by phone to make sure he was aware of this information. Lt. Jewell advised that he was as EMS was performing CPR when they left the theatre. He advised me to update him once I arrived at the hospital.

I arrived at the hospital at approximately 2340 hours and contacted Sgt. Rochford. Sgt. Rochford offered a brief explanation as to the series of events regarding this incident. Sgt. Rochford said he was working secondary employment at the movie theatre. The management alerted him to a disturbance in one of the theaters. He went inside the theatre and found a subject, later identified as Sailor, and his caretaker arguing. The basis of the argument appeared to be that Sailor wanted to stay for a subsequent showing of the movie he had just watched. The caretaker and theatre management were both trying to get Sailor to leave without success. Sgt. Rochford said Lt. Jewell and DFC Harris (who were both working in a secondary employment capacity) arrived as he was speaking with Sailor asking him to leave. After several failed attempts they grabbed Sailor and began to escort him out of the theatre. Sailor was attempting to pull away from the deputies as they were escorting him out of the theatre. Sailor started to lose his balance as they escorting him down the ramp. They used that opportunity to take him to the ground and place him in handcuffs. Once handcuffed they realized Sailor was breathing, but not conscious. They removed the handcuffs and placed him on his side. It was at this time that Sgt. Rochford radioed dispatch for an ambulance. They continued to monitor him until EMS arrived. Once EMS arrived they assumed treatment of Sailor. A short time later Sailor went into cardiac arrest.

After explaining the circumstances Sgt. Rochford and I responded to the area of the emergency room where Sailor was being treated. We were advised by FMH staff that Sailor was deceased. I called Cpl. Dewees and requested he respond to the hospital to assist me with the incident. Once he arrived it was decided that Cpl. Dewees would stay at the hospital and supervise that location, and I would respond to the theatre and supervise that location. Sgt. Rochford was directed to sit in Cpl. Dewees' cruiser.

I contacted Lt. Jewell by phone and advised him that Sailor was deceased. Lt. Jewell indicated that he was the on-call commander and he would

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notify Capt. Barrick. I advised I would contact the on-call CIS investigator. Lt. Jewell also indicated he was still at the theatre with DFC Harris and they were collecting some written statements. I advised that I was responding to the theatre to assume responsibility for the scene. I then also contacted Lt. Hibbard to advise him of the situation. Lt. Hibbard agreed with my decisions to that point and advised he would be responding to the theatre as well.

Once at the theatre I made contact with Lt. Jewell and DFC Harris. I advised both of them that I would like to remove them from any further involvement in the incident to preserve the integrity of the investigation that would follow regarding the death of Sailor. Both advised they understood and agreed. Lt. Jewell showed me the area of the theatre where Sailor was sitting, and where he went to the ground. I noted at this time that there was a movie playing and there were patrons watching.

I requested two patrol units respond to assist me at the theatre. DFC Holler and DFC Openshaw responded. Following another discussion with Lt. Hibbard it was decided to work with management to stop the movie that was playing. Management decided to offer the patrons a free movie pass for their inconvenience. Once the movie was stopped DFC Holler requested any witnesses to the earlier incident respond to the lobby of the theatre. DFC Openshaw and I met with those witnesses and requested they complete written statements. We provided them with written statement forms and writing utensils. DFC Holler was directed to identify the remaining patrons who were inside the theatre, but indicated they did not witness the event with Sailor. All patrons leaving the theatre utilized the emergency exit and were kept away from the ramp where the incident occurred. Once those tasks were completed we kept the theatre secured until the investigators arrived who were briefed on what had taken place to that point.

Once relieved by investigators DFC Holler, DFC Openshaw and I cleared the scene. DFC Openshaw was given all witness statements to submit.



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## Supplement Information

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01/25/2013 09:13:43	SUPPLEMENT	(110243) DEWEES, DAVID W
Contact Name	Supervising Officer	

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## Supplement Notes

January 15, 2013

I (Cpl. D. DeWees) was contacted by Sgt. M. Easterday regarding a death investigation. I responded to the Frederick Memorial Hospital where I was briefed on the events by Sgt. Easterday. Sgt. Easterday briefed me in the presence of Sgt. R. Rochford. I was advised that Sgt. Rochford, Lt. S. Jewell and DFC J. Harris attempted to remove a disorderly person at the Westview Movie Theater. The subject, later identified as Robert Ethan Saylor was in the movie theater without a ticket and that management wanted him removed. Mr. Saylor had down-syndrome. DFC Rochford attempted to talk to the subject at length, knowing he had down-syndrome. Mr. Saylor became verbally abrasive with deputies, cursing at them. They attempted to escort him out of the theater at which time, Mr. Saylor became combative. Deputies placed Saylor on the floor and attempted to handcuff him. While on the ground, he became unresponsive. Deputies then administered CPR on Mr. Saylor until EMS crews arrived.

At this point, Sgt. Easterday advised that he would respond to the scene at the theater and I was to remain at FMH to coordinate with criminal investigators. I did later spoke briefly with Sgt. Rochford briefly regarding the events. Sgt. Rochford was visibly shaken. He told me that they did nothing wrong and cannot understand how Mr. Saylor is deceased. He regurgitated some of the statement I had received from Sgt. Easterday. He told me that he tried to verbally get Mr. Saylor to comply and leave the theater. He advised that Mr. Saylor was combative and they placed him on the ground to handcuff him. I recognized that Sgt. Rochford was upset and somewhat in shock regarding the events. He needed to be removed from the scene at FMH. I had him sit in my patrol car temporarily. I later instructed DFC D. Ensor to transport Sgt. Rochford to Patrol Headquarters.

January 15, 2013- Contact with Ronald Saylor

I was contacted by Ronald Saylor in the emergency room. Ronald Saylor is the father of the decedent, Robert Ethan Saylor. Ronald Saylor asked me what had happened to his son. I explained the basic events to Ronald as they were reported to me by Sgt. Easterday. I advised Ronald that off-duty deputies approached Robert at the movie theater after a complaint from the theater manager. Robert went back into the theater without a ticket. When deputies attempted to communicate with Robert, he became belligerent and eventually combative. They attempted to restrain him and he later became unresponsive. Deputies immediately administered medical care and summoned an ambulance.

I further advised Ronald that the incident will be fully investigated by the FCSO Criminal Investigation Section and the Internal Affairs Section. Ronald did advise me that Robert was accompanied by a care-taker identified as [REDACTED].

January 15, 2013 - Interview with [REDACTED]

I located [REDACTED] in the emergency room waiting area. She was identified as [REDACTED]. I spoke briefly to [REDACTED] in an adjacent hallway and in the company of her father. She advised me that she was with Robert the entire day. I later conducted a more in-depth interview. We conducted the interview in a "consultation room" adjacent to the emergency room. Present in the interview room were [REDACTED], her mother and father, Detective C. Smith and myself.

[REDACTED] advised that she is hired as a care taker for Robert Saylor. She stated that she has been working with Robert for approximately three months. She had been with him this date since 8:30 AM. She stated that there were no issues or problems with Robert. She stated that they had a trip to Cunningham Falls. She spoke about other events during the course of the day. She and Robert later went to the movies and specifically watched the movie "O'Dark-Thirty". She stated there were no problems at the movie and at the end of the movie, Robert had stood up and applauded.

The two left the theater and were walking to [REDACTED] car. On the way to the car, she told me that Robert became difficult and did not want to go home. She attempted to convince Robert to keep walking to the car and Robert became angry and punched a window pane of the Lens

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Crafter Store at the Westview Promenade. Robert wanted to go back and watch the movie again. She called Robert's mother for advice. The mother advised her to wait it out and that he will eventually go with her. She called another caretaker who advised her to bring the car to the front of the complex and go and tell Robert that the car is ready. She did so and brought the car to the front of the complex. Robert had left where they were standing and walked into the theater. He apparently walked into the same movie theater that they previously watched a movie. As she walked to the theater, she was contacted by a manager who advised her that Robert needed to leave since he didn't have a ticket. She told the manager that Robert had down-syndrome and asked him to wait for Robert to come outside on his own. The manager advised her that he would have to notify security personnel. She advised that a security person / off-duty sheriff's deputy arrived. She described the deputy as being short with short hair. She advised that she told the personnel that Robert had down-syndrome. She asked them to not make contact with him and that he should eventually leave on his own. She stated that the deputy started a conversation with Robert and asked him to leave the theater. Robert was verbally abusive and cursed at him. She stated that he wouldn't leave and that other deputies arrived. They then attempted to escort him out of the theater. Deputies grabbed his arms and Robert "freaked out" and began to scream and kick at deputies. She said the deputies wrestled with Robert in a standing position for approximately five minutes. They eventually placed him on the ground to handcuff him. Once on the ground, Robert stopped screaming and fighting. The deputies rolled Robert over and found that he was not breathing. The deputies immediately started CPR on Robert before EMS and Fire personnel arrived. I asked [REDACTED] how long deputies had Robert on the ground. She stated, "Not long at all" estimating no longer than thirty seconds.

[REDACTED] advised that Robert had no alcohol or drugs in her presence. I asked [REDACTED] if anyone who was involved to restrain Robert had struck, punch or kicked him in order to get control. She stated that they just held him by his arms and that she saw no one strike Robert with their hands or feet. I asked [REDACTED] when Robert was placed on the ground, did she see anyone place their knees and legs anywhere near Roberts head or throat area. [REDACTED] advised me that as soon as they placed Robert on the ground, he stopped screaming and kicking. She advised me that her view was limited; however she did not see anyone place their knee or leg on Roberts head or throat area.

The interview ended. [REDACTED] provided a detailed written statement that was later included with the report. I remained at FMH until the Mr. Roberts was transported to the O.C.M.E. I later responded to the Westview Theater where I contacted Sgt. Easterday. Present at the theater were Lt. R. Hibbard and DFC J. Holler. I responded to the theater to inquire from Sgt. Easterday on staffing levels prior to the end of evening shift.

NOTE: This supplement was sent by e-mail to K. King (FCSO Records Section) who later added it as a supplement in ILEADS. The ILEADS record of this event is locked due to the sensitive nature. The supplement would not contain my digital signature.

Agency: FCSO

## Incident Report

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/28/2013 12:05:15	SUPPLEMENT	(110313) SMITH, CHRISTOPHER J
Contact Name	Supervising Officer	

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### Supplement Notes

Supplemental Report 01/14/13

Initial interview with [REDACTED]

On 01/14/13 Det. Smith contact [REDACTED] and asked him if he could respond to the Frederick County Sheriff's Office to speak with Det. Smith and Cpl. Warner about the investigation into the death of Robert Ethan Saylor. [REDACTED] advised that he would.

When [REDACTED] arrived Det. Smith and Cpl. Warner took him into the first floor conference room where Det. Smith asked [REDACTED] to explain about how he got involved with the incident that occurred on 01/12/13.

[REDACTED] advised that he is the primary care giver for Ethan and that he spends most of his nights living with Ethan at Ethan's house. [REDACTED] advised that due to getting married soon he had been turning over the night shift with Ethan to [REDACTED] and that he will be taking care of the day shifts with Ethan.

[REDACTED] advised that he was out of town when he received a call from Ethan's mother, Patti. [REDACTED] advised that Patti told him that [REDACTED] was having some issues with Ethan at the movie theatre. [REDACTED] advised that he hung up with Patti and called [REDACTED] and told her how to handle the situation. [REDACTED] advised that he told [REDACTED] to leave Ethan where he was and to go and get her car and bring it up to the curb closer to where Ethan was and then come back and tell him that the car was just over by the curb. [REDACTED] said that Ethan sometimes got upset if he had to walk too far and that by doing this it gave him time to cool down and he would cooperate. [REDACTED] advised that he did not hear anything else about this case until he was contacted by Patti and informed that Ethan was deceased.

Det. Smith asked [REDACTED] if Ethan had any medical issues that he knew of and [REDACTED] advised that Ethan had been to Frederick Memorial hospital about two weeks prior for a swollen calf that hurt real bad and that they gave him some medicine and it went away. [REDACTED] then advised that Ethan gets headaches quite frequently and that he is just given aspirin and they go away. [REDACTED] advised that Ethan had Diarrheah for the past month that he was not sure what the cause was. [REDACTED] also advised Det. Smith that Ethan had Sleep Apnea but it was never medically diagnosed due to Ethan not allowing any tests to be done. Det. Smith asked [REDACTED] if Ethan had any other medical conditions and he advised, no.

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## Incident Report

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:45:19	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

413

### Supplement Notes

Interview with [REDACTED]  
01/15/2012 1415 hrs at the LEC  
Detective Smith was present

On 01/15/2013 Cpl. Warner interviewed Frederick County [REDACTED] [REDACTED] advised that he was the driver on ambulance 3-9 and responded to the call at Westview Promenade with [REDACTED] from company # 3.

Upon arrival at the Westview Promenade [REDACTED] advised that Engine 3-11 was parked in front of the theater. [REDACTED] advised that he was directed to respond to the rear of the Theater. [REDACTED] advised that he and [REDACTED] entered the theater from the rear. [REDACTED] advised that he saw the patient lying across the ramp in the theater partially on his right side. [REDACTED] said the patient was getting care from the crew from Engine 3-11. [REDACTED]  
[REDACTED]  
[REDACTED]

The patient was taken to the back of the ambulance with several DFRS employees and one Deputy. [REDACTED] medic. [REDACTED] While in ambulance asking the deputy what had happened Deputy said something to the effect that the patient was disruptive and on the ground. That the patient was having breathing problems or stopped breathing. [REDACTED] was the driver to the hospital and knew that at least [REDACTED] and the Medic were in the back of the ambulance. Maybe more people were in the back. [REDACTED] provided a written statement.

Agency: FCSO

## Incident Report

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:45:38	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

452

### Supplement Notes

Interview with [REDACTED]  
01/15/2013 1445 hrs at the LEC  
Detective Smith was present

[REDACTED] advised that he was on Medic 31 that responded to the Westview Promenade on 01/12/2013. [REDACTED] advised that he was dispatched about two minutes after engine 3-11. [REDACTED] advised that he went to the rear of the theater. [REDACTED] entered the theater from a rear door with the crew from Ambulance 3-9. [REDACTED] advised that the patient was lying across the ramp with his head toward the seat. Described the patient being on his back toward his right side. The patient was not handcuffed and appeared unconscious. [REDACTED] asked what had happened and one of the officers said that he had seen the movie and wanted to see the movie again. The officer said he refused to leave and the caretaker and police couldn't reason with him. The patient was handcuffed and escorted down the steps into the hallway and collapsed and was assisted to the floor.

[REDACTED] advised that [REDACTED] advised that he started to assess the patient and the patient stopped breathing. [REDACTED]

[REDACTED] advised that a deputy was in the back of the ambulance and offered to drive to the hospital. The deputy rode in the back of the ambulance to the hospital. Advised that it appeared that the deputy had a vested interest. Care was provided to the hospital and turned over to hospital staff. Cpl. Warner inquired what injuries could occur while administering medical care. [REDACTED]

[REDACTED] wrote a written statement.

Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:47:30	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

452

## Supplement Notes

Interview [REDACTED]

01/15/2013 1630 hours at the LEC

On 01/15/2013 Cpl. Warner met with [REDACTED] who was officer on Engine 3-11 that responded to the Westview Promenade. [REDACTED] advised that they were dispatched for an injured person from an assault and updated that the patient was unconscious but breathing. Upon arrival parked to the front of the theaters and met by an officer who said that they we need a cot or a seat.

[REDACTED] advised that upon entering the theater the patient was on his right side with his head toward the seats across the hallway. Officers were around the patient who was not handcuffed and no one was holding him down. Advised that one of the officer said that the patient was being escorted from the Theater, had a medical emergency, and was assisted to the floor. [REDACTED] described the patient as snoring. [REDACTED]

[REDACTED] advised that [REDACTED] started assessing the patient. [REDACTED]

[REDACTED] advised that he requested more light.

[REDACTED] advised that [REDACTED] and [REDACTED] continued to start the [REDACTED] while he walked to the rear of the theater. [REDACTED] directed the ambulance to rear of the theater. Waited for ambulance crew and told them they needed a cot. [REDACTED] followed the medic and ambulance crew after they entered. [REDACTED] advised that he ask the caretaker if the patient had anything to eat and she said Butterfingers candy. Thought it was [REDACTED] state that the patient had stopped breathing. [REDACTED]

[REDACTED] heard that the patient had Down syndrome from [REDACTED]. [REDACTED] advised he left the ambulance with [REDACTED]. Cpl. Warner ask if there was anything else he should know and [REDACTED] made the comment that the patient was in a good recovery positioning when he got there and that he did see a handcuff mark. [REDACTED] advised that he completed a firehouse report which was later obtained by investigators.



Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:48:19	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

453

### Supplement Notes

Interview with [REDACTED]

01/15/2013 approximately 1715 hrs at the LEC

On 01/15/2013 Cpl. Warner interviewed [REDACTED] [REDACTED] responded to the incident at Westview Promenade on Engine 3-11 for a injured person from an assault. The call was upgraded to an unconscious person while en route. [REDACTED] advised that they parked in front of the theatre. [REDACTED] advised upon seeing the patient he was on his right side not handcuffed. [REDACTED] advised that [REDACTED]

The crew spoke to a female who identified herself as her caretaker. The caretaker advised that she had worked with the patient for 3 months and knew that he had down syndromes but knew of no other medical conditions. The caretaker advised that they had watched the movie and the patients wanted to watch it again. When the patient was told he would have to leave he cursed at her. [REDACTED] relayed that the police advised that they were called and the patient was uncooperative and fought with them. The patient was assisted to the floor and that he was handcuffed but later removed them. The reason for the questioning was to determine if they needed to immobilize him with equipment.

The patient's [REDACTED] and it appeared normal.

The patient was moved more to his back and was snoring then stopped breathing. The medic and ambulance crew arrived at about this time. CPR was started and the patient was loaded into the ambulance. Several members and deputy where in the back of the ambulance. [REDACTED]

[REDACTED] The deputy in the back ask who the medic was and offered to help. [REDACTED] said the deputy seemed concerned and rode to the hospital in the back. [REDACTED] had written a report that investigators were provided through a summons and aid.

Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:49:03	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

452

## Supplement Notes

Interview with [REDACTED]  
01/18/2013 1615 hrs at Station 31

On 01/18/2013 Cpl. Warner interviewed [REDACTED]. [REDACTED] was the driver on Engine 3-11 that responded to the Westview Promenade on January 12th 2013. [REDACTED] advised that they were dispatched for an injured person from an assault. [REDACTED] advised that they were the first EMS unit on the scene and parked in front of the theater. [REDACTED] advised that a Sheriff's Deputy was at the door near the foyer area of the theater. They followed the deputy into the Theater.

[REDACTED] advised that they saw the patient lying across the ramp with his head toward the seats. No handcuffs were on the patients and he was on his right side. A deputy was using his leg to prevent the patient from rolling. [REDACTED] advised that one of the deputies advised that when they rolled him onto his back he stopped breathing. [REDACTED] asked if they forced him to the ground or if they assisted him. He was advised they assisted him. [REDACTED]

[REDACTED] advised that the patient was snoring. [REDACTED] spoke to the patients caretaker who advised that she had been with him for three months and did not know of medical conditions but he had down syndrome. The caretaker advised that she could call his mother. [REDACTED]

[REDACTED] advised that about that time the medic an ambulance crew arrived. [REDACTED] ask the deputy to move so they could move the patient to his back. [REDACTED]

[REDACTED] advised that a deputy was in the ambulance and offered to drive. The medic advised the deputy that certain things had to happen before they start moving. [REDACTED] advised that he left the ambulance and drove the Engine (3-11) to the hospital. [REDACTED] wrote a statement.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:49:37	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

453

### Supplement Notes

Interview with [REDACTED]

01/21/2013 0820 hrs Station 3

Cpl. West present

On 01/21/2013 Cpl. Warner interviewed with [REDACTED] [REDACTED] was on ambulance 3-9 and responded to the Westview Promenade. The incident was dispatched as an injured person from an assault. [REDACTED] advised that they pulled up to the front of the theatre and was directed to go to the rear. Upon entering the theatre the patient was lying on the floor of the exit ramp. [REDACTED] described that the crew from Engine 3-11 was assessing the patient who was on his back/side with his head toward the seats in the theatre.

[REDACTED] advised that engine crew advised that the patient was in cardiac arrest. [REDACTED] assisted with chest compressions and the bag valve mask. The patient was loaded onto the cot. Four to five guys picked him up. [REDACTED] advised that the only neck related touching he observed was the checking for the pulse. [REDACTED] advised that he overheard talking that there was incident and the patient was handcuffed at one point. [REDACTED] had completed a report that investigators had already obtained.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:50:49	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name	Supervising Officer	

452

### Supplement Notes

#### Picking up Summons and Aid Information-

##### 1.Frederick Memorial Hospital

On 01/15/2013 at approximately 1020 hours Cpl. Warner responded to Frederick Memorial Hospital and collected the medical records for Robert Saylor. Detective McCallion had served a summons and aid on 01/14/2013.

Cpl. Warner collected a envelope with 30 pages (including a copy of the summons and aid). Those records were submitted as attachments.

##### 2.Frederick County Department of Fire and Rescue

On 01/15/2013 at approximately 1040 hours Cpl. Warner responded the Frederick County Department Fire of Rescue (DFRS) located at the facility on Public Safety Place. Detective McCallion had served a summons and aid on 01/14/2013. Cpl. Warner collected three report (8, 5 and 3 pages). Those records were submitted as attachments.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:51:01	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

452

### Supplement Notes

01/17/2013

Requested interview with Deputies.

Sgt. Byers and Cpl. Warner contacted Attorney Pat McAndrew and requested an interview with the three deputies involved in reference the death investigation. Mr. McAndrew took it under advisement and advised that he would let the investigators know. On 01/22/2013 Cpl. Warner spoke with Mr. McAndrew who advised that all three clients would not be submitting to an interview but he was open to having questions submitted to him.

Cpl. Warner had consulted Dr. Ripple from the OCME and was provided a list of questions. Those questions were submitted as an attachment.

#### Attachments-

1. List of questions

Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/30/2013 10:51:40	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name	Supervising Officer	

452

## Supplement Notes

01/23/2013

Cpl. Warner was advised by Lt. Nee to contact the deputies who responded to the scene to see if they had any additional information. It was decided to request supplement reports from all agency personnel who initially responded to the scene/hospital. Cpl. Warner spoke to Cpl. Dewees over the phone and requested a supplement report be completed. Cpl. Warner also was provided supplement reports from Lt. Hibbard, Dfc. Ensor, and Sgt. Easterday. Cpl. Warner requested the reports being submitted to Mrs. King in the records section who could submit the report to Leads and a copy sent to him.

On 1/23/2013 at approximately 1623 Hrs.

Cpl. Warner reviewed the supplement report submitted by Sgt. Easterday. Cpl. Warner reviewed questions provided to Cpl. Warner by the Medical Examiner's Office. Cpl. Warner ask Sgt. Easterday if had information about types of restraints use and he advised only handcuffs. Cpl. Warner asked if he heard anything about a choke hold being used and he advised no.

01/23/2013 at approximately 1700 hrs

Cpl. Warner reviewed the supplement report submitted by Lt. Hibbard. Cpl. Warner reviewed the questions with Lt. Hibbard. Cpl. Warner ask if he heard anything about any choke hold or other restraints used from anybody and he advised No. Cpl. Warner reviewed the questions and Lt. Hibbard did hear from somebody, but was not sure from who, that the subject was on his stomach at one point.

On 01/25/2013

1130 Hrs

Dfc. Ensor-

On 01/25/2013 Cpl. Warner met with Dfc. Ensor after reviewing his supplement report. Cpl. Warner inquired if he heard about a choke hold type restraint from anybody in reference to Mr. Saylor. Dfc. Ensor advised "no". Cpl. Warner ask if he knew who took the [REDACTED] This was consistent with the medical records obtained from Frederick Memorial Hospital Records.

01/25/2013

1204 hrs

Cpl. Dewees



Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

On 01/25/2013 Cpl. Warner met with Cpl. Dewees after reviewing his supplement report. Cpl. Warner ask Cpl. Dewees if heard any heard anyone mention a choke hold type restraint from anybody in reference to Mr. Saylor and he advised no.

01/25/2013

2040 hrs

Dfc. Holler.

On 01/25/2013 Cpl. Warner met with Dfc. Holler after reviewing his supplement report. Cpl. Warner inquired to if he heard anything in reference a choke hold restraint being used and he advised no.

01/25/2013

2105 hrs

Dfc. Cullember

On 01/25/2013 Cpl. Warner met with Dfc. Cullember after reviewing his supplement report. Cpl. Warner inquired to if he heard anything in reference a choke hold restraint being used and he advised no.

01/25/2013

2130 hrs

Dfc. Openshaw

On 01/25/2013 Cpl. Warner met with Dfc. Openshaw after reviewing his supplement report. Cpl. Warner inquired to if he heard anything in reference a choke hold restraint being used and he advised no.

Cpl. Warner was attempting to find answers to questions that were posed by the Medical Examiner's Office after the forensic autopsy was conducted on Mr. Saylor. After reviewing and conducting several interviews it was apparent that multiple people ( Deputies and EMS personnel) performed some type of medical intervention after Mr. Saylor was noticed to be unconscious after /during the struggle with Deputies. This included [REDACTED]

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/12/2013 09:30:03	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

453

### Supplement Notes

On 2/12/2013 Cpl. Warner faxed a request to the Office of the Chief Medical Examiners Office for the report for case ( Their case number # 13-397) involving Mr. Saylor.

#### Attachments-

1. Request for report and fax letter head - 2 pages

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/12/2013 09:51:57	SUPPLEMENT	(110313) SMITH, CHRISTOPHER J
Contact Name		Supervising Officer

452

### Supplement Notes

On 01/23/13 Det. Smith completed court Summons for Regal Entertainment Group, Hill Management and Blue Ridge Behavioral Health. The Summons were signed and on 01/28/13 Det. Smith served them on all three locations.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/14/2013 12:49:53	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

452

### Supplement Notes

Summons and Aide response from Regal

Was mailed to Detective Smith received on 2/13/2013

15 pages that included a written statement from [REDACTED] the employee from the Regal that was involved with the incident.

Submitted as an attachment.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/14/2013 14:34:24	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name		Supervising Officer

452

### Supplement Notes

SUPPLEMENATAL REPORT: January 28, 2013

FOLLOW UP INTERVIEW WITH [REDACTED]

On January 28, 2013 Det. McCallion spoke with [REDACTED] via telephone for the purpose of follow up questions.

When asked where the officer's hands were located on the male subject when they got him to his feet, [REDACTED] stated that one of the officers had the male subject under his arm pit area. [REDACTED] stated that the male subject started resisting the officer when the second officer grabbed the male subject under his other arm pit area. [REDACTED] stated that the third officer grabbed the male subject's left arm and attempted to get handcuffs on him. [REDACTED] stated that is when all four fell to the ground and out of his sight. [REDACTED] stated that he only heard the male subject screaming and the officers telling him to stop resisting.

[REDACTED] stated that no time did he see the officers' hands or arms above the male subject's shoulder area. [REDACTED] also stated that at no time did he see the officers' hands or arms on the male subject's neck area.

[REDACTED] could not provide any further information at the time.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/14/2013 14:35:08	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name		Supervising Officer

452

### Supplement Notes

SUPPLEMENATAL REPORT: January 28, 2013

FOLLOW UP INTERVIEW WITH [REDACTED]:

On January 28, 2013 Det. McCallion spoke with [REDACTED] via telephone for the purpose of follow up questions.

When asked about the positions of the officer's hands on the male subject, [REDACTED] stated that the officers pulled the male subject out of his seat by grabbing his triceps area. [REDACTED] stated that two officers were on each side and they had the same grip on the male subject. [REDACTED] stated that once the officers got the male subject to his feet, both officers were trying to get the male subject's hands behind his back. [REDACTED] stated that both officers had one hand on the male subject's shoulders and their other hand on his wrist trying to get his hands behind his back. [REDACTED] stated that is when he heard the "popping" sound. [REDACTED] stated that he did not recall if the officers ever got their handcuffs on the male subject.

[REDACTED] stated that at no time did he see the officers' hands or arms go above the male subject's shoulder line. [REDACTED] also stated that at no time did he see the officers' hands or arms around the male subject's neck.

[REDACTED] could not provide any further information at the time.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/14/2013 14:35:50	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name		Supervising Officer

452

### Supplement Notes

SUPPLEMENATAL REPORT: January 28, 2013

FOLLOW UP INTERVIEW WITH [REDACTED]:

On January 28, 2013 Det. McCallion spoke with [REDACTED] via telephone for the purpose of follow up questions.

When asked where the officer's hands were located on the male subject when they got him to his feet, [REDACTED] stated that it started with one officer attempting to get the male subject out of the seat by going under his arm pit area. [REDACTED] stated that the male subject was resisting when a second officer went on the other side of the male subject and went under his other arm pit to get him up. [REDACTED] stated that the time, she does not recall what the third officer did at that point.

[REDACTED] stated that at no time did she see the officers' hands or arms above the male subject's shoulder area. [REDACTED] stated that at no time did she see the officers' hands or arms around the male subject's neck area. [REDACTED] stated that neither the officers nor the male subject were throwing punches.

[REDACTED] could not provide any further information at the time.



Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/14/2013 14:36:41	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name	Supervising Officer	

452

### Supplement Notes

SUPPLEMENTAL REPORT: January 29, 2013

On January 29, 2013 Det. McCallion spoke with Trooper First Class D. Greenwood. TFC. Greenwood stated that on January 12, 2013 at approximately 2253 hours, he was dispatched to the Westview Promenade to assist the Frederick County Sheriff's Office. TFC. Greenwood stated that he arrived around the same time as TFC. Egros.

TFC. Greenwood stated that he was met by several off duty Sheriff's Deputies who were working off duty security at the cinema. TFC. Greenwood stated that he was made aware of the incident by the deputies and did not see anything first hand.

TFC. Greenwood stated that he entered the theater and saw the male subject on the ground in the aisle. TFC. Greenwood stated that the male subject was conscious with his eyes open and rolling around. TFC. Greenwood stated that there was a little distance between he and male subject and could not tell if he was talking. TFC. Greenwood stated that several Fire Rescue personnel were around the male subject.

TFC. Greenwood stated that he did speak with the male subject's care taker. TFC. Greenwood stated that the care taker told him that they watched the movie and after leaving the theater the male subject started going off. TFC. Greenwood stated that the care taker told him that they got outside and the male subject went back in the theater. TFC. Greenwood stated that the care taker told him that the male subject has gone off before but never like this.

TFC. Greenwood stated that he did not see the struggle between the deputies and male subject. TFC. Greenwood was advised by a deputy that after placing handcuffs on the male subject, the male subject started turning gray. TFC. Greenwood stated that the deputies told him that after the male subject turned gray, they took the handcuffs off at that point.

TFC. Greenwood could not provide any further information at this time.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/14/2013 14:37:30	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name		Supervising Officer

432

### Supplement Notes

SUPPLEMENTAL REPORT: January 25, 2013

MEDICAL RECORDS FROM [REDACTED]:

On January 25, 2013 at 1355 hours, Det. McCallion responded to the [REDACTED] Frederick, Maryland. Det. McCallion had previously dropped off a Summons in Aid that was dated January 16, 2013 to obtain all medical records of Robert Ethan Saylor.

At that time, Det. McCallion spoke with [REDACTED] who provided two envelopes that contained the complete medical records of Saylor. Det. McCallion did not review the records, which contained an estimate 300 - 400 pages.

The records were submitted into an evidence locker at 1450 hours, where they can be reviewed in their entirety.

Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/15/2013 08:37:20	SUPPLEMENT	(110313) SMITH, CHRISTOPHER J
Contact Name	Supervising Officer	
SAYLOR, PATRICIA ANN		

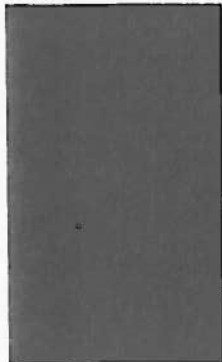
452

## Supplement Notes

On 01/13/13 Det. Smith and Cpl. Warner spoke with Ethans mother, Patricia Saylor and father, Ronald E. Saylor at Frederick Memorial Hospital. Cpl. Warner asked Patricia and Ronald about several things that were observed on Ethans body. The first one was two little cuts on Ethans right cheek. Patricia advised that they came from Ethan attempting to shave by himself. Cpl. Warner then asked about a mark on the bottom of Ethans chin area. Patricia advised that this also came from Ethan Shaving. Cpl. Warner then asked about a scar that was located on Ethans right abdomen area. Patricia advised that the scar came from when he was a baby. Patricia went on to tell Det. Smith and Cpl. Warner that when Ethan was born he had [REDACTED]

Det. Smith asked Patricia and Ronald if Ethan had any medical issues and Patricia advised that Ethan has Down Syndrome and only has an IQ of 40. Patricia advised that Ethan also suffers from the following and takes the following medications.

Suffers from



Det. Smith asked Patricia and Ronald if Ethan has any other medical problems and Patricia advised that Ethan also gets [REDACTED] quite frequently, has [REDACTED] and [REDACTED]. Patricia went on to explain that the [REDACTED] is undiagnosed due to Ethan not wanting to go through the tests because he doesn't want anything on his face. Det. Smith asked Patricia and Ronald if there is any other medications that Ethan is taking other than the ones they have provided and they advised that is all of them.

Det. Smith asked Patricia and Ronald if Ethan had a primary care Physician the he was currently seeing and Patricia advised that Ethan was seeing [REDACTED]. Patricia advised that Ethan was just there Last week. Cpl. Warner asked Patricia and Ronald if there was anything else they could provide that would help with the investigation and they advised, no.

Cpl. Warner explained to Patricia and Ronald that Ethans body would be transported to the Medical Examiners office in Baltimore for an autopsy. Det. Smith asked Patricia and Ronald what Funeral home they wanted and they advised, Stauffers. Ethans body was transported to the medical Examiners office by Blacks transport. Det. Smith and Cpl. Warner both provided Patricia and Ronald with business cards.

On 01/14/13 Det. Smith contacted Stauffers Funeral home and provided them with Patricia and Ronalds information so that they could contact

**Agency:** FCSO

## **Incident Report**

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them about funeral arrangements.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/18/2013 08:02:58	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name		Supervising Officer

452

### Supplement Notes

SUPPLEMENTAL REPORT: February 15, 2013

#### INTERVIEW WITH TROOPER FIRST CLASS EGROS:

On February 15, 2013 Det. McCallion spoke with Trooper First Class Egros with the Maryland State Police. TFC Egros was one of two troopers to respond to this incident.

TFC Egros stated that he arrived on the scene nearly the same time as TFC Greenwood. TFC Egros stated that the scene had already settled down and EMS was attending to the male victim. TFC Egros stated that he did not get close enough to the victim to see if he was responsive or not. TFC Egros stated that shortly after arriving, EMS took the victim out on the stretcher.

TFC Egros stated that he did not speak to anyone that was with the victim while on scene. TFC Egros could not provide any further information at the time. TFC Egros stated that he will complete a supplemental report to TFC Greenwood's incident report.

Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/19/2013 08:33:42	SUPPLEMENT	(110347) MCCALLION, JOSEPH B JR
Contact Name	Supervising Officer	

452

## Supplement Notes

SUPPLEMENTAL REPORT: February 18, 2013

SECOND INTERVIEW WITH [REDACTED]:

On February 18, 2013 Det. McCallion spoke with [REDACTED] for a second time for the purpose of additional, specific questions regarding this case.

[REDACTED] stated that when the officers first placed their hands on the male subject, they grabbed both of his arms near the bicep area. [REDACTED] stated that one officer was on each side and he did not recall at this time where the third officer was but he was not touching the male subject. [REDACTED] stated that the male subject was not handcuffed as the officers lead him around the corner. [REDACTED] stated that the male subject was "struggling" with the officers. [REDACTED] stated that at no time prior to going around the corner did the officers have their arms or hands above the male subject's shoulders. [REDACTED] also stated that at no time prior to the officers leading the male subject around the corner did he see the officer's hands or arms around the male subject's neck.

[REDACTED] stated that as they rounded the corner, the male subject stopped screaming so he walked over to the railing and looked down. [REDACTED] stated that the male subject was lying face down on the ground still "struggling" with the officers. [REDACTED] stated that the male subject was quiet, but still "struggling" moving his shoulders around and trying to get to his feet.

[REDACTED] stated that two of the officers were holding the male subject down to the ground by placing their hands on the back on his shoulders. [REDACTED] stated that the third officer had one knee on the lower back area of the male subject. [REDACTED] stated that the officer's knee was closer to the male subject's belt line opposed to his upper back.

[REDACTED] stated that at no time did he see the officer's arms or hands above the male subject's shoulders. [REDACTED] also stated that at no time did he see the officer's arms or hands around or near the male subject's neck during this struggle.

[REDACTED] stated that he did not see the officers handcuff the male subject, but as he was walking away he thought he heard a "clicking" sound of a handcuff.

[REDACTED] could not provide any further information at this time.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/20/2013 10:55:08	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

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### Supplement Notes

On 02/20/2013 Cpl. Warner obtained Maryland State Police Report # 1351001379 and submitted as an attachment. The report contained supplements written by Tfc. D. Greenwood and Tfc. J. Egros. Both have been previously interviewed by Detective McCallion and documented in a supplemental report.

#### Attachment-

1. Maryland State Police Report Case # 13-51-001379 - 2 pages



Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/21/2013 09:29:55	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name	Supervising Officer	

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## Supplement Notes

Interview w/ [REDACTED]  
2/20/2012 1655 hrs  
Law Enforcement Center

On 02/20/2012 Cpl. Warner was provided a name and phone for a person that had called the Sheriff's Office with information about the incident at the Westview Promenade. Cpl. Warner called [REDACTED] on 02/20/2013 and learned over the phone they he saw some of the information in the press prompting him to call. [REDACTED] advised that he recognized Robert Saylor's picture that has been printed and advised that he was at the movie theatre that night. Cpl. Warner inquired if he went to the movies with anyone and he advised that his 13 YOA son was with him. Cpl. Warner ask if he would be willing to come to the Sheriff's Office for an interview with his son and he agreed.

[REDACTED] and his son, [REDACTED] arrived at the Law Enforcement Center and were taking to the conference room. Cpl. Warner learned that he and his son, [REDACTED] went to see the movie "Lincoln" however the movie was full and decided to see the movie "Zero Dark Thirty". [REDACTED] advised that he couldn't remember the date but knows it was the same movie because he saw Robert Saylor there. [REDACTED] advised that the show time was the early evening show sometime around 1900 -1945 hrs. [REDACTED] advised that he recalled seeing Robert sitting in the theatre and he appeared unhappy.

[REDACTED] advised that during the movie nothing occurred that he was aware of. [REDACTED] and his son left the movie and he used the restroom before exiting the theatre. [REDACTED] advised that they walked left out of the Theatre and was walking toward the Jos A Bank clothing store. [REDACTED] advised that he saw Robert Saylor again who appeared angry and was screaming to include the word "Fuck" several times. [REDACTED] advised that Robert Saylor was talking to a young female (early 20's) who had a cell phone in her hand. [REDACTED] described Robert as moving back and forth and yelling but the yelling was not at the young female. [REDACTED] advised that because of this he moved away from Robert as they were walking past him toward the parking lot.

Cpl. Warner asked [REDACTED] son, [REDACTED] if had anything to add and he advised that he saw Robert banging his hand on the glass of an eyeglasses store that he ( Robert Saylor) was leaning on.

The accounts provided by [REDACTED] and his son were consistent with the information provided by [REDACTED] that occurred outside the movie theatre prior to Robert Saylor re-entering the movie theatre.

Both provided written statements.

## Attachments -

[REDACTED] written statement  
[REDACTED] written statement.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/25/2013 08:43:39	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name	Supervising Officer	

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### Supplement Notes

Witness contact- Gary Stick

On 2/22/2013 Cpl. Warner was provided a name and phone number from Cpl. Bailey in regards to a message that was left with Cpl. Bailey. Cpl. Warner contacted [REDACTED] via phone who advised that he called because of the media coverage and wanted to relay that deputies acted professionally that night. [REDACTED] was already identified as a witness and had been interviewed. Cpl. Warner reviewed [REDACTED] statement and advised him that he conveyed that in his written statement already obtained. [REDACTED] also advised that he also witnessed a deputy using his foot to keep the victim on his side. [REDACTED] advised that he saw this occurring when he walked out the hallway to provide a written statement. [REDACTED] advised that he didn't think he mentioned this in his previous written statement or interview and wanted to relay the information.

Cpl. Warner requested that [REDACTED] send an email in his own words. Cpl. Warner received the email and submitted it as an attachment.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
02/26/2013 09:03:18	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name	Supervising Officer	

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### Supplement Notes

Post Mortem Examination Autopsy Report from the Office of the Chief Examiner  
ME CASE # 13-00397

Manner - Homicide

Cause - Asphyxia

Performed by - Dr. Mary Ripple Deputy ,Chief Medical Examiner and Dr. Erin Carney, Associate Pathologist

On 2/25/2013 Cpl. Warner was provided a copy of the Post Mortem Examination from the Frederick County States Attorneys Office. The report is submitted as an attachment.

Attachment- 11 page Autopsy Report for Robert Ethan Saylor

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
03/11/2013 12:46:15	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name	Supervising Officer	

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### Supplement Notes

Cpl. Warner was referred to [REDACTED] in reference the summons and aide for information requested of Hill Management. [REDACTED] advised that the name should be Frederick Westview Properties LLC. on the summons and aide. Cpl. Warner completed a summons and aide and forwarded it to the SAO office. Cpl. Warner will send it to [REDACTED] via email once its completed and notarized.

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
03/13/2013 13:01:05	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

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### Supplement Notes

On 3/13/2013 Cpl. Warner emailed a summons and aide to [REDACTED] in reference the property Frederick Westview Properties LLC.

[REDACTED]  
Frederick Westview Properties LLC.  
9640 Deereco Road  
Timonium, Md. 21093

Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/02/2013 10:07:40	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

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### Supplement Notes

Summons/Aide Response from Frederick Westview Properties LLC .

Cpl. Warner received four page response via email and mail to the summons and aide request sent to Frederick Westview Properties LLC.

The four pages were contained a log completed by Dfc. Harris (sent twice), a form letter, and a copy of the summons and aide. The information was received via email on 3/20/2012.

Cpl. Warner submitted the four page response in an attachment.

Case Status &amp; Date: 04/10/2013

Case Disposition &amp; Date: 98

## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/02/2013 10:11:53	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name	Supervising Officer	

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## Supplement Notes

## Time Frame.

Cpl. Warner reviewed the video surveillance obtained. The video cameras do not capture any of the incident however do have camera angles of the front lobby of the theater.

The following is a summary of times from the video surveillance and radio transmissions from deputies that night. Mr. Saylor was wearing a black vest and white shirt underneath.

Video approx. 2222 hrs - Mr. Saylor leaves the theater lobby and exits the main doors heading to the outside of the Theater. Walking with a female. Appears that this is after the first movie.

Video approx. 2237 hrs- Mr. Saylor enters the theater lobby and walks toward the location of theater # 9

Video approx. 2243 hrs- Possibly Mr. Saylor standing outside entrance to theater # 9 ( Video captures a glimpse of a subject wearing black vest white shirt) appears to walk back into theater #9.

Radio transmissions approx. 2252 hrs- Sgt. Rochford is on the police radio ( see Detective McCallion's supplement for all the transmissions)

Video approx. 2254 hrs- Theater manager, [REDACTED] observed getting the first aid kit out from behind concession stand

Radio Transmission approx. 2256 hrs- Sgt. Rochford advised breathing with a pulse.

Video approximately 2257 hrs - on duty police observed walking in front doors of the Lobby.

Video approximately 2300 hrs - First EMS observed walking in the lobby.



Agency: FCSO

## Incident Report

Case Number: 2013-003647

Case Status & Date: 04/10/2013

Case Disposition & Date: 98

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/02/2013 11:11:51	FOLLOW UP	(110316) WARNER, GREGGORY A
Contact Name		Supervising Officer

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### Supplement Notes

On 3/22/2013 this case was presented to the Grand Jury Cpl. Warner was later advised by the SAO that the Grand Jury did not request any further investigation.