

COMMON PLEAS COURT
BERNIE GUILTER
CLERK OF COURTS

NOELLE TRUMBULL)
c/o The Lucas County 911)
Regional Council of Governments)
2144 Monroe Street)
Toledo, Ohio 4360)

and)
)

MALCOLM D. FISHER)
c/o North Central Correctional)
Institution)
670 Marion-Williamsport Rd E.,)
Marion, Ohio 43302)

and)
)

THE LUCAS COUNTY 911)
REGIONAL COUNCIL OF)
GOVERNMENTS)
2144 Monroe Street)
Toledo, Ohio 43604)

and)
)

JOHN DOE 1-10 (names and)
addresses unknown))
)

defendants.)

-
1. This wrongful-death case concerns the preventable death of Johanna Crawford ("Crawford" or "Johey"). Johey was gunned down on December 16, 2021 in her Oregon, Ohio home by defendant Malcolm D.

Fisher ("Fisher") while she was finishing the last of her baking for a holiday party at her grandchild Adeline's school the next day.

2. Unbeknownst to Johey as she readied for the upcoming Christmas season with family and friends, a concerned citizen made multiple 9-1-1 calls and he clearly, credibly, and increasingly frantically told call-takers and their supervisor that defendant Fisher was on his way from Toledo to Oregon to (a) shoot and kill Johanna and her husband and then (b) abduct Adeline.
3. Despite existing 9-1-1 policies designed to quickly react to this precise type of life-or-death emergency so as to dispatch police in order to prevent the threatened harm, the call-takers and supervisor here inexplicably failed to alert first responders—violating established 9-1-1 policy in doing so—of the urgent life-or-death situation unfolding.
4. Lucas county 9-1-1 personnel—all named as defendants here—kept to themselves their knowledge of a looming murder plot.
5. Without any police stopping him, Fisher later broke into Johey's home as the caller warned; he shot her dead, and abducted her grandchild. Before he shot Johey, she called 9-1-1 herself. This means that Johey was aware that Fisher was in her home and about to harm her. By the time someone answered, Johey wasn't on the line anymore because she was already dead or dying.

6. Her husband, plaintiff Knute Huber ("Huber" or "Knute"), was not home at the time or he would be dead now too.
7. An internal investigation occurred after this incident and the Lucas County 9-1-1 Regional Council of Governments concluded that "Policies and Procedures have been established in the event CAD verification is not possible given the information available at the time of the 9-1-1 call. In this case, when efforts failed to establish a verified location for the incident, either the call-taker or the supervisor should have forced an override into the CAD system. ***" *Exhibit A*.
8. If policies had been followed, then police would have stopped Johey's murder and her granddaughter's kidnapping.

FACTS

9. Knute Huber and Johanna Crawford were married on February 8, 1986.
10. They had a loving marriage that was centered around family, faith, charity, and community service.
11. Huber and Crawford were well-known in the community for their good deeds and for following the Golden Rule: they treated others how they would like to be treated themselves.

**JOHEY AND HER HUSBAND WERE RAISING A GRANDCHILD, WHICH UPSET THE CHILD'S
BIOLOGICAL FATHER — DEFENDANT MALCOLM FISHER**

12. Knute and Johey's daughter Elizabeth had a daughter named Adeline, who is still a minor child.
13. The biological father is defendant Malcolm Fisher.
14. Because Elizabeth and Malcolm Fisher were unable to fittingly care for and raise Adeline, Johey and Knute became Adeline's custodial guardians.
15. Over time, Malcolm Fisher began voicing displeasure with the situation, claiming that he should have custody of Adeline. However, Fisher was frequently in legal troubles and could not offer Adeline a stable lifestyle.
16. Things escalated when, on or about December 15, 2022, defendant Malcolm Fisher told Knute and Johey's daughter Elizabeth that he was going to kill her parents and abduct Adeline.

JOHEY AND KNUTE NOTIFY AUTHORITIES ABOUT MALCOM FISHER'S THREATS

17. Johanna "Johey" Crawford and her husband, plaintiff Knute Huber, took Fisher's threats seriously and so Johey herself called 911 when learning of the threats. This call occurred on or about December 15, 2022. The call-taker asked for Johey's phone number in case she needed to be contacted. She gave the call-taker her cell phone number and other information.

18. Thus, 9-1-1 personnel from within the Lucas County 911 Regional Council of Governments were aware of the threats, of Fisher's name, and of Johey's name, phone number, and address. Johey had also told 9-1-1 that Fisher had a gun.
19. Johey also eventually discussed the matter with the Oregon police that day.
20. On December 15, 2021, the Oregon police on an "Exchange of Information" or so-called "pass-along sheet" ("*Exhibit B*") alerted officers of the situation as follows:
1. **3165 Hazelton:** TX Harassment. Johanna reported that Malcolm Fisher told her daughter, Elizabeth, that he was going to come to this location and kill Johanna and her husband. According to Elizabeth, she made a report for this through TPD. They would like extra patrol for this address.
21. Therefore, Oregon police officers and patrol forces were aware at all relevant times of the potential for danger at 3165 Hazelton.

A POTENTIAL HERO DIALS 9-1-1 (OVER AND OVER AGAIN)

22. On December 16, 2021 at 22:38:10 hours, the Lucas County Regional Council of Governments received a 9-1-1 call from a potential hero named Stevenson Hicks.
23. Mr. Hicks placed the call because he feared a male by the name of Malcolm Fisher (his cousin) was driving to an address on Hazelton Drive with the intent to kill people over a custody dispute.

24. He began his call by stating, "My emergency is I'm calling, um, a cousin of mine is threatening to go out there and do harm to some people; and I'm trying to get the police out there before he makes it out there."
25. Within the first 20 seconds, Hicks named the location as Hazelton Street.
26. This first emergency call was received by defendant Terra Boudreaux ("Boudreaux"), a 9-1-1 call taker employed by the Lucas County 9-1-1 Regional Council of Governments.
27. Stevenson Hicks continued to inform defendant Terra Boudreaux of the situation and gave her a potential address of 3110 Hazelton in Oregon, Ohio.
28. Boudreaux acknowledge to Hicks that Hazelton was indeed a street in Oregon, but that she could not confirm "3110" as a numerical address.
29. Hicks then told Boudreaux that his numbers may be off but that the targets of the murder plot lived on Hazelton. He previously emphasized that "he does have a gun and he is going out there and he said he's going to kill them."
30. This first call went on for 2 minutes and 44 seconds; therefore, precious time was ticking to save Johey or her husband and granddaughter.
31. During the call Boudreaux told her supervisor—defendant Tori Baertschi—of the situation and that she is unable to get the location to verify.
32. Baertschi instructed Boudreaux to get Mr. Hicks' telephone number so Baertschi can call Hicks back.

33. Boudreaux says she is going to hang up and Hicks, recognizing the urgency of the situation says, "Oh f-cking God..." The substance and tone of the calls show that only Hicks is giving proper attention to the urgency of the situation.
34. Throughout this entire time, neither Baertschi nor Boudreaux alert Oregon or other law enforcement of the situation.
35. After Boudreaux hung up on the first call, even more valuable time passes and Hicks does not hear back from Baertschi.
36. Not hearing back, Hicks calls 9-1-1 again and this time call-taker defendant Noelle Trumbull answers. This second call was at 22:43:17. Trumbull asks rambling questions and Hicks says, "I'm trying to fucking save someone's life here."
37. Boudreaux overhears Trumbull on the line with Hicks and notifies Baertschi.
38. Baertschi then gets on the call to speak with Hicks.
39. Hicks still does not have the precise numerical address on Hazelton but grew increasingly alarmed with the situation and repeatedly attempts to impress the urgency of the situation upon defendants, who seemed more concerned with getting Hicks' information than preventing a homicide.
40. None of the defendants notify law enforcement of the potential threat, leaving Johey as an easy target.

41. Their nonchalance and indifference to Hicks' warnings—and hence to public safety and human life—is inexcusable.

THE 9-1-1 DEFENDANTS FAIL TO NOTIFY OREGON POLICE THAT FISHER IS COMING

42. The Lucas County 911 Regional Council of Governments has plans, policies, and technology in place for the situation presented here.
43. For instance, the system employs technology that can relay instantaneous notifications to Oregon police regarding emergency situations. This is called an “override” or a “screen” and does not require an exact numeral address for dispatch. For instance, defendants could have easily relayed to the Oregon police information about the emergency situation on Hazelton Drive. The 911 defendants had access to technology to accomplish this. Local police could then have responded appropriately, used their knowledge about the potential situation, and acted to stop the threat.
44. In fact, the internal investigation found that either the call-taker or supervisor should have forced an override into the CAD system. This is so obvious that the failure to do so is wanton and reckless.
45. The fact that this did not occur in such an obvious life-or-death emergency was grossly inappropriate. The 9-1-1 defendants' individual and collective failure to leverage available technology and fulfill preexisting departmental policies

designed for this precise situation was the result of negligent, reckless, and wanton misconduct. At minimum, Boudreaux, Trumbull, and Baertschi all had the opportunity to fulfill the override policy — yet, each failed to do so. That is, every employee who touched this situation failed to follow policy in a situation that obviously required immediate notification to local law enforcement.

46. Instead of contacting Oregon police, Baertschi took it upon herself to try to call Malcolm Fisher to “dissuade” him from murdering people, but — unsurprisingly — Malcolm didn’t answer his wireless phone during his murder plot.

**MALCOLM FISHER DOES EXACTLY WHAT STEVENSON HICKS TRIED TO STOP:
HE SHOT JOHEY DEAD AND ABDUCTED HIS MINOR BIOLOGICAL DAUGHTER.**

47. Hicks went to Hazelton Drive unabated and killed Johey while she was baking cookies for a grammar school Christmas party.
48. Johey wanted to live and not die, so at approximately 2224 hours, when Fisher was at her house, she called 9-1-1 — the very system that had already failed her.
49. Before her death, Johey consciously suffered unimaginable fear, anxiety, pain and suffering just before she was shot and after she was shot but before she died.
50. Police had almost seven minutes to stop Fisher had the call-takers or their supervisor promptly conducted an override and notified Oregon police, or had

defendants simply pick up the phone and call Oregon police rather than the would-be murderer, the Oregon Police would have stopped Fisher in time to save Johey.

51. Indeed, as shown by Exhibit A, the Oregon police were already aware of the situation and had names and addresses for Hazelton Drive.

52. Plus, Hazelton Drive is a short, dead-end street that is only approximately two blocks long:



53. Had they been notified of Stevenson Hick's phone calls, Oregon police or other law-enforcement officials—such as the Lucas County Sheriff's Department,

which also could have been notified via the override system—would have blocked access to Hazelton Drive and would have also deployed to 3165 Hazelton.

54. As a direct and proximate result of the lack of notifications and failure to follow policy and basic common sense, police were unable to stop Fisher.
55. And as a direct and proximate result of this, Johey suffered a terrifying and brutal death and the minor child was abducted from her own bedroom.
56. When police were finally notified of the situation after Johey's failed call—through a 9-1-1 system notification that was for a "hang up" call—police arrived in approximately three minutes. However, when a neighbor heard gunshots and called 9-1-1 at 2248 hours, the nature of the call was updated to a "weapons" call and more units responded almost immediately.
57. Oregon police had several units patrolling the area and had they received the override notification of a potential "weapons" situation, they could have responded several minutes before Fisher's arrival and stopped the murder.
58. Notably, Oregon police officer St. John was working "overlap" and noticed a 911 hang-up call originated from 3165 Hazelton and he approached the area without any prompting from dispatch. Officer Gable was just starting his shift and went to assist. They were on scene within a few short minutes of the shooting without prompting. If protocol and policies were followed earlier then they and other

officers would have stopped Fisher in time and prevented him from accessing 3165 Hazelwood Drive and killing Johey.

59. Of course, by the time 9-1-1 notified the police of the nature of the situation, it was too late: police found Johey dead from a gunshot wound to the head and her granddaughter was missing—precisely what Mr. Hicks tried to prevent.
60. Fisher later returned to Hicks' residence with the granddaughter and when Hicks called back yet again, it was obvious that the 9-1-1 call-taker was unaware of the earlier situation; evidencing a total breakdown of communication between call-takers and supervisors.
61. As a proximate result of defendants' conduct and misconduct, Johey (while still alive), her husband, her children, and other next of kin have suffered immensely.
62. The handling of Hicks' calls was so poor that Oregon assistance police chief Ryan K. Spangler e-mailed 9-1-1 officials. Officer Spangler noted that his department noticed that the incident had generated multiple phone calls and that Spangler was told by 9-1-1 officials that possible errors did occur. Spangler was trying to determine how this could occur. *Exhibit C*.
63. All paragraphs throughout this entire complaint are incorporated by reference throughout all of the counts pleaded below and also cover actions or admissions by John Doe 1-10 (name and address unknown), who may be liable to plaintiff.

**COUNT I: WRONGFUL DEATH—BAERTSCHI, BOUDREAUX, TRUMBULL, AND THE
LUCAS COUNTY 911 REGIONAL COUNCIL OF GOVERNMENTS**

64. Defendants Baertschi, Boudreaux, and Trumbull owed a duty to not act negligently, wantonly, recklessly and the like.
65. They breached that duty.
66. As a proximate result, Ms. Crawford was murdered and consciously suffered before her death through fear, anxiety, and then a moment of complete terror, followed by immense physical pain, and ultimately—her untimely death.
67. But for this terrible ordeal, Ms. Crawford would have lived a long and happy life with her family and friends. And her husband, children, and next of kin have similarly suffered and have lost out on a mother's, wife's, and grandmother's love because the 9-1-1 defendants failed to follow basic policies designed to avoid this situation.
68. Therefore, plaintiff seeks on behalf of himself, the decedent's estate, and others, all of the damages available under Ohio law, including but not limited to those available under Revised Code 2125.02(B).
69. Further, the Lucas County 911 Regional Council of Governments is vicariously liable due to the acts and omissions of defendants Baertschi, Boudreaux, and Trumbull.

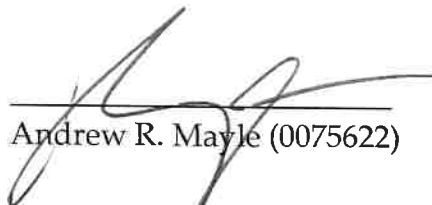
70. The Lucas County 911 Regional Council of Governments was created under Chapter 167. of the Revised Code.
71. And while the Lucas County 911 Regional Council of Governments is an entity that may considered a “political subdivision” for purposes of Chapter 2921. of the Revised Code, the statutory scheme does *not* enumerate that a regional council of governments is also a “political subdivision” for purposes of Chapter 2744. of the Revised Code. *See* R.C. 167.07(A)(2).
72. Therefore, neither the Lucas County 911 Regional Council of Governments nor its employees or other agents enjoy immunity.
73. *WHEREFORE*, plaintiff demands damages against defendants Baertschi, Boudreaux, Trumbull, and the Lucas County 911 Regional Council of Governments, joint and severally, in an amount exceeding \$25,000, plus punitive damages, costs, fees, and any other relief to which plaintiffs are entitled at law or in equity.

COUNT II: WRONGFUL DEATH—MALCOLM D. FISHER

74. As a direct and proximate result of Fisher’s criminal conduct, Johey Crawford senselessly died.
75. Fisher acted with evil, malicious, and purposeful intent.

76. His actions caused Johey, her estate, her immediate family, and other next of kin great harm and loss.
77. The State of Ohio charged Fisher with multiple crimes flowing from his actions.
78. Fisher pleaded guilty in *State v. Fisher*, Lucas County Common Pleas Court Case Number CR 02021 03061, to aggravated murder, felonious assault, aggravated burglary, and weapons under disability. He is therefore *per se* liable.
79. He is also liable under the common law and R.C. 2307.60.
80. *WHEREFORE*, damages in excess of \$25,000 are also demanded against defendant Malcom D. Fisher, plus punitive damages, costs, and fees and any other relief to which is recoverable at law or in equity.
81. *THEREFORE*, on all counts, plaintiff demands a jury trial and relief as set forth above, jointly and severally, against each defendant. This relief includes but is not limited to damages exceeding \$25,000 as follows:
1. For special damages, including but not limited to medical, funeral, burial, and related expenses arising out of the death of Johanna Crawford including loss of income and future loss of inheritance;
 2. For general damages, including Plaintiffs' loss of the love, society, care, comfort, companionship, guidance, affection, services, association, and support of Johanna Crawford;

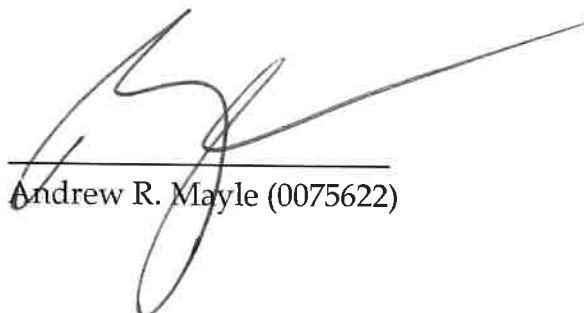
3. For damages for the conscious pain, fear, terror, and suffering of Johanna Crawford prior to her death;
4. For the emotional pain and distress suffered by Johanna Crawford's husband and family;
5. For costs, expenses and attorney's fees associated with this action to the extent allowed by law;
6. For pre- and post-judgment interest to the extent allowed by law;
7. For punitive damages; and,
8. For such other relief as this Court may deem just and proper under the circumstances.



Andrew R. Mayle (0075622)

JURY DEMAND

Plaintiff demands a jury on all triable issues with the maximum number of jurors permitted by law.



Andrew R. Mayle (0075622)

Lucas County 9-1-1
Regional Council of Governments

INVESTIGATION SUMMARY REPORT

Incident Location: 3165 Hazelton Oregon, Ohio

Incident Number: ORP21023973

Date/Time: 12/16/21 @ 2238 hours

Involved Employees:

Call Taker – Terra Boudreaux

Call Taker – Noelle Trumbull

Telecommunicator – Benjamin Duncan

Law Supervisor - Tori Baertschi

Supporting Materials/Documents:

Incident Histories

9-1-1 Recordings

Timeline

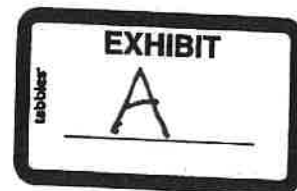
Interviews – Boudreaux and Baertschi

Policy/Procedure – CAD Procedures

Response Times

Narrative:

On December 16, 2021, at 2238 hours, the Lucas County 9-1-1 Regional Council of Governments received a 9-1-1 call from Stephenson Hicks. Mr. Hicks placed the call because he feared a male by the name of Malcom Fisher (his cousin) was enroute to an address on Hazelton Dr, with the intent to kill people over a custody dispute. Call Taker Terra Boudreaux received the 9-1-1 call and had Mr. Hicks on the call for 2 minutes and 44 seconds. While attempting to enter the call, Boudreaux was unable to verify the address given - 3110 Hazelton – as a valid location. Boudreaux advises Mr. Hicks that she is going to put him on hold and to stay on the line. While Mr. Hicks is on hold, Boudreaux notifies her supervisor, Supervisor Tori Baertschi, of the situation and that she is unable to get the location to verify. Baertschi instructs Boudreaux to get Mr. Hicks telephone number so Baertschi can call Mr. Hicks back to



get a better address location. Baertschi attempts to call Mr. Hicks back several times but does not get an answer on call back.

Call Taker Noelle Trumbull received a 9-1-1 call from Mr. Hicks, this time indicating the address is on Hazelhurst which is located in Toledo. The street address he gives is 1365. Trumbull enters a call for Mr. Hicks' current location in the 200 block of Summit St. Call Taker Boudreaux overhears Trumbull on the line and notifies Baertschi that Mr. Hicks is back on the line. Supervisor Baertschi takes over the call to speak with Mr. Hicks. Mr. Hicks is obviously frustrated as he is trying to relay information regarding the safety of individuals; however, he is not able to give a correct street address. Supervisor Baertschi obtains the suspect telephone number for Malcom Fischer from Mr. Hicks before he disconnects. This call is 3 minutes long.

Supervisor Baertschi tries calling Malcom Fisher approximately 10 times, in effort to dissuade Fisher from harming anyone. While Baertschi is attempting the calls, Boudreaux receives a 9-1-1 hang up call from 3165 Hazelton Dr. Oregon Ohio at 2244 hours. Boudreaux attempted a few call backs to the location and notified Supervisor Baertschi of the 9-1-1 hang up call.

Telecommunicator Benjamin Duncan received a 9-1-1 hang up call for 3165 Hazelton Dr. Oregon Ohio at 2245 hours. Duncan enters the call into CAD at 2246 hours and attempts several call backs to the number, receiving busy signals.

Boudreaux enters the call into CAD for dispatch at 2246 hours and continues to call back the number several more times with no answer.

Dispatcher Kathleen Burnham received the call in que at 2246 hours and assigned Oregon unit 216 to the call at 2247 hours. Unit 216 was first to arrive on scene at 2250 hours.

Policy Implications:

CAD Procedures

E. Location Entry

g. Override

" If the ;location cannot be verified in CAD, override the incident for the correct jurisdiction

As stated by the caller. Add comments in the beginning of the text indicating the location could

Be verified."

Conclusion:

The location in this incident provided difficulty for both the call-taker and the supervisor involved. While the location verification is necessary to provide accurate information to emergency responders, Policies and Procedures have been established in the event CAD verification is not possible given the information available at the time of the 9-1-1 call. In this case, when efforts failed to establish a verified

location for the incident, either the call-taker or the supervisor should have forced an override into the CAD system. While this does not ensure a faster response time since a precise location is not known, a General Broadcast to the appropriate first responders may assist them in establishing a potential location or locations. As information in this report indicates, an override was not initiated, which may have resulted in a delayed response time.

EXCHANGE OF INFORMATION



District assignments

City: Duvall

City: Gostkowski

City: Thomasson OL

Date: 12/15/2021

Shift: 3rd 2300-0700

Sergeant: Reno/Tristan

1st Shift Overlap: Emch



Roll Call

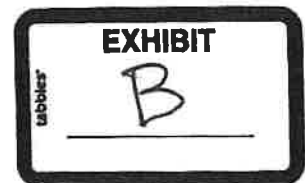
CLIP OMC: ☒

Notes: BMV 2255 & Parking Ticket Reminder

Protection Orders/No Contact Orders: Stevenson, Saunders, Rasheed, Clark

Shift Activity

1. **3165 Hazelton:** TX Harassment. Johanna reported that Malcolm Fisher told her daughter, Elizabeth, that he was going to come to this location and kill Johanna and her husband. According to Elizabeth, she made a report for this through TPD. They would like extra patrol for this address. (E)
2. **3154 Navarre:** Check Safety. Barb from Charles Crest stopped at Holiday Inn and reported to them that she lost her keys. She was transported home. (E)
3. **IR280 at MP 8.6:** VTO with Warrant Arrest. Tiffany Shalhoup and Derek Watson were stopped for a traffic violation. Shalhoup was issued a summons for multiple bench warrants through three agencies. Watson was arrested for a menacing warrant through TMC. Watson was handed over to TPD. (A)



Ryan Spangler

From: Ryan Spangler
Sent: Friday, December 17, 2021 6:52 AM
To: Brian Twining; Stacey Mitchell
Cc: Brandon Begin
Subject: Possible Dispatching Error--ORP21023973
Attachments: ORP21023973--3165 HAZELTON--AGGRAVATED MURDER.pdf

Brian & Stacey-

It has been brought to our attention that numerous possible dispatching errors occurred on the above aggravated murder call for service that Oregon Police responded to on December 16, 2021 at 2245 hours. The attached call for service screen references several other calls for service that were all generated for this one incident. Sergeant Reno did speak with the on-duty dispatching supervisor, after he was requested to call the COG, and the dispatching supervisor advised that they were aware possible errors did occur. Given the severity of the criminal offense, I wanted to make sure the both of you were aware of this situation. Would you please look into the matter and see if any policies and procedures were not adhered to?

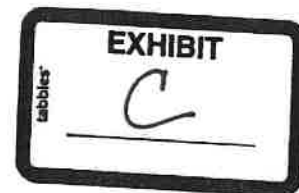
If you have any questions, please let me know.

Call for Service: ORP21023973 (attached to this email)
Date: December 16, 2021
Incident Time: 22:45:59

Thank you!

Respectfully,
Ryan K. Spangler 282
Assistant Chief of Police

City of Oregon Police Division
5330 Seaman Road
Oregon, Ohio 43616
Phone: 419-698-7069
Dispatch: 419-691-5787
Fax: 419-698-7006



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