



Independent Investigation & After-Action Review of Police Response to Events of February 7, 2025 in Evendale, Ohio

May 2025



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Introduction & Scope of Work

In February 2025, the Evendale Police Department (“EPD” or the “Department”) engaged 21CP Solutions (“21CP”) to conduct an outside, independent investigation and after-action review of the events and circumstances surrounding the events of February 7, 2025 relating to a white supremacist demonstration near the Villages of Lincoln Heights and Evendale, Ohio and the public safety planning and response from the Department and the Village of Evendale, to the protest, an ensuing counter-protest, and concerns subsequently raised about the nature of the response.

Specifically, the investigation and after-action review (the “investigation”) encompassed inquiries into:

1. Events occurring on February 7, 2025, including overtaking of the Vision Way Overpass bridge above Interstate 75 adjacent to the Village of Lincoln Heights, the protest and counter-protest events of February 7, 2025; and the events that occurred following the protest dispersal;
2. The dispersal of protest vehicles in the Village of Lincoln Heights and the subsequent release of the demonstrator group to the highway on February 7, 2025;
3. Protest dispersal activity that occurred at the Lockland Schools Educational Annex building on February 7, 2025; and
4. Events relating to the public response to the incidents of February 7, 2025.

The investigative team’s objectives were to:

1. Conduct an independent, full, fair, and thorough investigation into what occurred at the protest to establish, to the greatest extent possible, a factual record of what transpired;
2. Evaluate and assess the Department’s response to protests, counter-protests, and any related activity—including the response by the EPD and Village administrators and leaders,—to generate, to the greatest extent possible, a factual record of the Department’s planning and response; and
3. Make recommendations to the Department regarding changes, updates, or enhancements to policies and practice that can be immediately implemented.

21CP in no way supports, condones, or completely understands the content of the reprehensible messages delivered by individuals engaged in the February 7, 2025 demonstration that was the focus of this investigation. At the same time, the history of American jurisprudence has long supported the right of individuals to express publicly their views, regardless of how unpopular, unusual, or morally reprehensible others believe them to be. Consequently, this report refers to participants publicly voicing their views on February 7 as “demonstrators.”

Although the First Amendment provides individuals with a freedom of speech and assembly, the right to conduct a demonstration is bounded by some guardrails, and individuals may not engage in otherwise unlawful conduct simply because they say they are exercising their First Amendment rights. Consequently, this report focuses on considering the actions of these demonstrators in light of the relevant laws of the United States and the State of Ohio and on the law enforcement response to those actions.

I. Methodology & the Role of This Report

A. Methodology and Investigative Process

21CP used standard investigative practices and techniques to conduct an independent investigation and evidence-based after-action review of the events and circumstances surrounding the demonstration in Evendale on February 7, 2025, as well as related activity in the Villages of Lincoln Heights, including EPD's public safety planning and response. Consistent with the tenets of root-cause analysis¹, the investigation considered the whole of the protest, demonstration, and activity occurring, and the planning and response of EPD at each interval.

This investigation examined documents, messages, videos, audio recordings, social media posts, media accounts, and other evidence, including but not limited to:

- EPD body-worn camera footage;
- Third-party video and audio, including recordings posted to various social media platforms, and video and audio captured by various journalists and/or media outlets;
- Audio recordings and written transcripts of 9-1-1 calls received to EPD's emergency dispatch function reasonably relating to protest and demonstrations on February 7, 2025;
- EPD and Hamilton County Sheriff's Office ("HCSO") incident reports and complaints;
- Text messages between EPD's command staff and those involved with and/or present during the events of February 7, 2025;
- The permitting process for events and activities similar to those of February 7, 2025;
- EPD policies, protocols, procedures, and trainings, especially those related to protest and demonstration management;
- MOUs, MOAs, and agreements with any other law enforcement agencies involved including the HCSO; and
- Social media reports and posts.

The investigation also conducted a number of in-depth interviews with various involved stakeholders. This included, but is not limited to, investigative interviews with:

- EPD Command Staff;
- Other EPD personnel who were involved with and/or present during the events of February 7, 2025;
- Leadership and residents of the Village of Lincoln Heights;
- The Superintendent of Lockland Local School District;
- The Superintendent of Princeton City School District; and
- A representative of an external law enforcement agency.

The investigation also conducted an inventory of media coverage of the events of February 7.

This investigation benefited from the full and sustained institutional cooperation of EPD. It received all documents and materials requested, which included several supplementary and follow-up requests. All EPD personnel who we

¹ Root Cause Analysis ("RCA") is a tool designed to help identify not only what and how an event occurred, but also why it happened. Only when investigators are able to determine why an event or failure occurred will they be able to specify workable corrective measures that prevent future events of the type observed. James J. Rooney, et al, "Root Cause Analysis for Beginners," *37 Quality Progress* 45 (2004).

requested to interview agreed to do so. The investigation also benefited from the voluntary participation of one external law enforcement agency.

At the same time, this investigation did encounter some limitations. Specifically, participation in our investigation was voluntary – no interviews were compelled. Numerous stakeholders involved or implicated by the events did choose to speak with the investigation, but some individuals declined to participate. In particular, in addition to EPD, the other primary law enforcement agency engaged in the response to the events of February 7, 2025, was HCSO, but HCSO declined to speak with 21CP regarding this investigation.

B. The Role of This Report

In reaching factual determinations and conclusions, the investigation adopted the “preponderance of the evidence” standard. When this report states something as having occurred, it means that the investigation has determined that, in light of all available information, it is “more likely than not” that it occurred.² That is, for the facts outlined in this report, the investigation has concluded that “the evidence on one side” tending to establish it as true “outweighs, preponderates over, is more than, the evidence on the other side, not necessarily in number of witnesses or quantity” but, instead, with respect to matters of witness credibility, consistency of the evidence with other credible evidence, and similar factors.³

Witnesses interviewed for this investigation were advised that the investigative team would be making every reasonable effort to ensure anonymity – perhaps quoting or discussing what they said with others but not revealing, in this report or otherwise, who said what. Consequently, this report regularly refers to the sources of information or accounts in generic ways (*e.g.*, “EPD personnel,” “Lincoln Heights Leadership,” or the like).

None of the Evendale Police Department or Village of Evendale had any direction or influence over the investigation, its conclusions, related recommendations, or this report. The investigative team dictated the scope of documents and communications that it desired to review and personnel with whom it desired to speak. Neither EPD or the Village of Evendale exerted any substantive control or authority over the investigation or this report.

The scope of this investigation did not include the adjudication of individual allegations or purported incidents related to February 7, nor did it attempt to identify the masked demonstrators or where they came from. Additionally, this investigation is not an Internal Affairs investigation of EPD and does not adjudicate any factual disputes about the particular actions or performance of particular officers or supervisors.

This report includes many citations. These citations primarily provide the source of content included in quotations or the specific source of a summarized or paraphrased characterization. In some instances, they cite to a piece of evidence that is most significant, direct, or dispositive with respect to a given statement. However, no citation endeavors to inventory *all* of the evidence that corroborates or is consistent with a stated proposition.

C. About the Evendale Police Department

The Evendale Police Department was formed in 1952 by the authority of Ordinance 6-52. The Department began with 3 positions and has grown over the years as needs increased to its current complement of 19 full-time sworn officers,

² *Ostmann v. Ostmann*, 168 Ohio App. 3d 59, 66 (2006).

³ *Glage v. Hawes Firearms Co.*, 226 Cal.App.3d 314, 325 (1990).

and 3 support personnel.⁴ The 19 positions include the Police Chief, one Assistant Police Chief, one Lieutenant, four Sergeants, and twelve Police Officers.⁵ The Department's Mission Statement provides:

The members of the Evendale Police Department are committed to the principles that define democracy, including the protection of constitutional rights and equal protection under the law. We will at all times exercise the authority granted to us in an ethical, consistent, and lawful manner.⁶

⁴ Village of Evendale, Departments, Police, "Departmental History," <https://www.evendaleohio.org/police/pages/departamental-history> (last visited May 16, 2025).

⁵ Evendale Police Department, Organizational Chart.

⁶ Village of Evendale, Departments, Police, <https://www.evendaleohio.org/police> (last visited May 16, 2025).

II. Factual Findings

A. Overview of Events of February 7, 2025

This section provides a brief factual overview of the events of February 7, 2025 that are covered in greater detail in the sections that follow.

On Friday February 7, 2025, at approximately 2:00 PM, twelve individuals appeared on the Vision Way Overpass that crosses Interstate 75, in Evendale, Ohio. The Vision Way Overpass connects the Village of Evendale and the Village of Lincoln Heights. The ensuing behavior of these twelve individuals led to a chaotic, dangerous situation that caused outrage and fear throughout the neighboring communities and, to some degree, throughout the Cincinnati metropolitan region.

The twelve individuals (the “demonstrators”) were dressed similarly in all black clothing, with their faces concealed by masks, sunglasses, and hats. They also wore similar black boots and black gloves. Their attire effectively concealed their identities and frustrated any ability to see their faces. Six of the demonstrators carried flag poles with flags bearing swastikas.⁷ One of the demonstrators was carrying what appeared to be an AR-style rifle,⁸ and at least one of the demonstrators had a holstered firearm worn on his hip.⁹ One demonstrator carried a large canister of what appeared to be some type of mace or Oleoresin Capsicum (“OC”) spray and at least one of the demonstrators had a bullhorn.¹⁰ Additionally, one of the demonstrators carried a selfie-stick with a cell phone attached, presumably to video their actions.¹¹

The twelve individuals proceed to engage in a white supremacy demonstration on the Vision Way Overpass. They attached to the overpass fencing, two large flags bearing the image of a swastika, and one large banner portraying traditional Nazi symbols and the message “America for the White Man.”¹² The flags and banner could be readily viewed by traffic passing by southbound on I-75.

The demonstrators would stay for approximately 50 minutes. Their flags and banner, as well as their appearance and words, sparked intense outrage amongst community members – some of whom physically attempted to engage with the demonstrators, nearly causing a violent confrontation. Ultimately, the demonstrators re-entered the U-Haul truck in which they had arrived and hurriedly departed.

As the demonstrators departed the Vision Way Overpass, community members and police officers present became aware of a vehicle parked nearby that they understood to have been driven by one of the demonstrators. That vehicle, containing a dog and some personal effects of one of the demonstrators, was left behind as all the demonstrators departed in a U-Haul truck. It appears that the vehicle was not left behind intentionally; the demonstrators had a very

⁷ OHGO Ohio traffic camera footage of the entire geographic area of the demonstration scene (from 2:49 PM until the demonstration ended) shows the number of demonstrators present and the equipment and items they were carrying.

⁸ Hamilton County Sheriff's Office, Body worn camera footage, Deputy HCSO1 (Feb. 7, 2025).

⁹ EPD photographic evidence provided to 21CP. Although 21CP cannot definitively verify the authenticity of the photo, the photo lacks typical indicators that would suggest that it was altered, making it more likely than not that the photograph showing a demonstrator with a holstered firearm is genuine.

¹⁰ *Id.*

¹¹ Body worn camera footage, Hamilton County Sheriff's Office, Deputy HCSO1 (Feb. 7, 2025).

¹² See generally Anti-Defamation League, Hate Symbol, “Iron Cross,” <https://www.adl.org/resources/hate-symbol/iron-cross> (last visited May 16, 2025); U.S. Department of Justice, Federal Bureau of Investigation, “Racially or Ethnically Motivated Groups: Symbols Guide” (Apr. 2022), https://portal.ct.gov/-/media/sde/digest/2021-22/rmve_symbols_guide.pdf.

small span of time to leave the area as outraged community members were reaching them, despite efforts by numerous law enforcement officers to prevent a violent confrontation.

Figure 1. Map of Demonstration Area



Source: EPD

The Village of Evendale has its own police department, the Evendale Police Department. The Village of Lincoln Heights has police services provided by the Hamilton County Sheriff's Office.¹³ Both departments were involved in the response to the incident. It also involved several additional area police departments that responded as mutual aid to manage the situation.

As this incident proceeded, it evolved into three separate and distinct scenes, one following the other. The first occurred on the overpass while the demonstrators were present, within the jurisdiction of Evendale. The second occurred on South Cooper Court in the neighboring Village of Lockland (although the Lockland Police Department was not involved here), and the third occurred in a parking lot near the intersection of Techview Drive and Mangham Drive, adjacent to the Vision Way Overpass, in the Village of Lincoln Heights. The following sections examine and address each of these scenes chronologically.

¹³ The Hamilton County Sheriff's Office opted to not permit 21CP to speak with their officers for this report. 21CP did review HCSO's body-worn camera footage.

B. Demonstration on the Vision Way Overpass

On February 7, 2025, at 2:09 PM, the Hamilton County Emergency Communications Center (“ECC”) dispatched two HCSO units to the Vision Way Overpass at Aviation Way at I-75 to investigate subjects with guns.¹⁴ The dispatch information indicated that approximately twelve to fifteen subjects had exited a U-Haul truck wearing heavy body armor, armed with AR-15s, and waving swastika flags. The location information was clarified shortly thereafter to the Vision Way Overpass.¹⁵ Deputies were initially sent to an address on Dorothy Court, in the Village of Lincoln Heights, to speak with the complainant. The Computer Aided Dispatch record of this incident states that HCSO deputies arrived in the area approximately two minutes after being dispatched, but review of available evidence indicates the first deputy stopped nearby on Dorothy Court to speak with the complainant, as described further below. Three deputies arrived on the Vision Way Overpass while the demonstrators were present, arriving between 2:30 and 2:51 PM.¹⁶

Based on review of available evidence, EPD had six police officers arrive on the Vision Way Overpass by 2:40 PM, with the first arriving at 2:34 PM. Two additional EPD officers were in the area but were assigned traffic posts nearby.¹⁷ All were equipped with body-worn cameras (“BWCs”). HCSO eventually had at least several deputies at this scene as well, including one Captain and at least one Lieutenant. One of the EPD supervisors contacted the EPD Police Chief by telephone at 2:13 PM while enroute to the scene. The Chief was out of town, and he advised her to send him a picture of the scene when she arrived and to minimize contact with the demonstrators if they were not observed breaking any laws. The EPD Chief received a texted photo of the demonstration at 2:19 PM. At 2:36 PM, the EPD Chief officially requested the assistance of the Hamilton County Police Association Mobile Field Force Team (“MFF”) because a “a group of around 12 individuals was reported displaying swastika symbols on the Vision Way overpass of I-75 in the Village of Evendale, Ohio. The subjects were masked, dressed in all-black clothing, and several were openly carrying rifles and pistols.” The MFF members were directed to respond to the Evendale police station to stage and await further instructions.¹⁸

Due to the EPD Chief’s direction to observe the demonstration without intervening until and unless necessary, the responding EPD officers gathered in a parking lot on Neumann Way. From this vantage point, they could observe the Vision Way Overpass and be in a position to respond quickly if needed. The EPD officers would remain at this location until approximately 2:30 PM, when they observed conflict beginning to erupt between the demonstrators and passing traffic.¹⁹

At approximately 2:13 PM, as officers were arriving in the area and assessing the activity occurring on Vision Way Overpass, an HCSO deputy stopped near the intersection of Dorothy Court and Mangham Drive in Lincoln Heights and spoke with a community member. The community member stated that he had called the police and that the U-Haul parked around the corner was the vehicle in which the demonstrators had arrived. The community member also told the deputy that the black Jeep parked across from the U-Haul was the vehicle where the demonstrators had gotten the weapons and body armor. The deputy, speaking to another HCSO deputy on the radio, passed this information on and further stated that another passerby had informed him that three of the demonstrators were armed with AR-style

¹⁴ Hamilton County Emergency Communication Center, Radio Traffic and CAD Records (Feb. 7, 2025).

¹⁵ *Id.*

¹⁶ Hamilton County Sheriff’s Office, Body-Worn Camera Footage (Feb. 7, 2025) [hereinafter “HCSO BWC”].

¹⁷ Evendale Police Department, Body-worn camera footage (Feb. 7, 2025) [hereinafter “EPD BWC”].

¹⁸ HCPA MFF After-Action Review (Feb. 7, 2025).

¹⁹ Interview of EPD Chief of Police (May 1, 2025)

rifles.²⁰ There is no indication in the materials reviewed by 21CP that the existence of the Jeep was relayed to EPD personnel at this time.

Upon their initial arrival, EPD officers were informed by an HCSO supervisor that the demonstrators had stated they planned to remain for one hour.²¹ The officers quickly formed a plan to redirect, and eventually block off, passing traffic, as conflict erupting between demonstrators and passing motorists was leading to a chaotic dynamic.²²

One passing vehicle, a black pick-up truck, had stopped in a westbound lane of the Vision Way Overpass in front of the demonstrators. This vehicle had its windows down and music playing at a loud volume. The driver appeared to be an African-American man who was dancing in the driver's seat, with a handgun in his right hand. The video evidence of this behavior did not show the driver pointing the firearm at anyone in particular, but he was waving it around – generally pointed up – in the vehicle. One or more of the demonstrators shouted to the police officers that this person had pointed the gun at them. As an officer approached the vehicle, the man put the gun down out of sight and complied with the officer's request to lower the volume of his music and drive away.²³

In a separate incident, an African-American man exited his vehicle in a westbound lane and told the EPD officers that one of the demonstrators had thrown something at his car. He held up what appeared to be a metal can but then re-entered his vehicle and drove away.²⁴

Several community members began to gather on the west side of the Vision Way Overpass.²⁵ Demonstrators shouted white supremacist slogans and racial slurs at the assembling community members.²⁶ In turn, the community members directed shouts, insults, and invitations to fight at the demonstrators.²⁷ At approximately 2:45 PM, officers from EPD and deputies from HCSO, as well as officers from other arriving mutual-aid jurisdictions, positioned themselves between the community members and the demonstrators. The community members continually but slowly advanced toward the demonstrators.

At 2:49 PM, an EPD supervisor, accompanied by an EPD officer, approached one of the demonstrators with the intention of directing them to remove their banner and flags from the Vision Way Overpass infrastructure.²⁸ As the EPD supervisor got within range to speak to the demonstrator, the demonstrator stated they wished to leave at this time. The conversation lasted approximately 19 seconds.²⁹

Demonstrator: "Hello, officer."

EPD Supervisor: "Sir, how are you?"

Demonstrator: "We're trying to get out of here."

EPD Supervisor: "OK."

²⁰ HSCO BWC.

²¹ Interview with EPD SUPV.

²² Interview with EPD SUPV, EPD BWC, SUPV & SUPV2.

²³ EPD BWC, EPD3.

²⁴ EPD BWC, SUPV.

²⁵ OHGO video and multiple BWCs.

²⁶ EPD BWC; Interview with EPD SUPV2 (Mar. 27, 2025).

²⁷ Multiple BWCs.

²⁸ OHGO video; EPD BWC, SUPV.

²⁹ OHGO video and BWC.

Demonstrator: “That U-Haul up there [pointing to the parking lot to the west] – if you could let it down here, we could get out of here.”

EPD Supervisor: “OK.”

Demonstrator: “And then, we might need an escort . . . We’ve got a vehicle right over there [pointing west again], a Jeep with a dog in it. One of our guys may need to be escorted right over there.”

EPD Supervisor: “OK, you guys start by taking the banners down, and we’ll get that all taken care of.”

At 2:49 PM, the EPD supervisor broadcast a request over the radio to allow the U-Haul to approach and pull up onto the Vision Way Overpass. As the officers walked away from the demonstrators, approximately fifteen community members walked forward, to the east, toward the demonstrators, shouting their displeasure at the demonstrators and the police. As the distance closed between the demonstrators and the community members, the officers continually moved in an attempt to stay between the two groups. The officers repeatedly informed the crowd that the demonstrators were leaving and asked the community members to stop advancing and refrain from violence. The evidence indicates that no weapons were displayed by the crowd, and no weapons were drawn or threatened by the officers, but the crowd kept advancing. In addition to their words, the officers used their hands and body positioning to stay between the parties and prevent contact.³⁰

As the crowd drew closer, the demonstrators were quickly attempting to remove the flags and banner affixed to the overpass fencing. The U-Haul drove onto the overpass at a few seconds before 2:51 PM. The driver of the U-Haul was not one of the twelve original demonstrators. The driver was visible on an HCSO deputy’s body worn camera³¹ as the U-Haul approached.³² The driver was a Caucasian male wearing a safari-type hat, sunglasses, and a long-sleeve neon-yellow jacket with white reflective stripes on the sleeves. His jacket was neon yellow of a similar color to those worn by persons working on a road crew to enhance their visibility to approaching traffic. As this individual had not been previously viewed on the overpass or near the demonstrators, it is likely that he had stayed with the truck when it was parked in a parking lot near Techview Drive and Mangham Drive, in Lincoln Heights.³³

As the officers were telling the approaching community members that the demonstrators were leaving³⁴ and demonstrators attempted to remove their flags and banner,³⁵ community members continued to approach and were in close proximity to the demonstrators. A demonstrator trying to cut the straps that attached the eastern-most swastika flag to the overpass fencing could not get the last strap cut as the crowd reached him and members of the crowd grabbed the loose end of the flag and pulled it toward themselves. The last two demonstrators, not yet in the cargo compartment of the U-Haul, initially tried to grab the flag and pull back but were ordered by the EPD supervisor to “Go, go, go, go, get in and go, get in and go . . . I’ll meet you at the bottom of the ramp.”³⁶

At the same time, approximately 2:50 PM, an HCSO deputy who had been working to slow the approach of the community members made a request via radio to the ECC to send additional police units to the area because “we may

³⁰ Numerous BWCs.

³¹ HCSO BWC, HCSO1.

³² *Id.*

³³ This was on HCSO1 Body Worn Camera footage, this same individual was later observed more clearly on EPD SUPV’s BWC as he exited the driver’s seat when the truck stopped again in Lockland, Ohio.

³⁴ Multiple BWCs.

³⁵ BWCs and OHGO video.

³⁶ EPD BWC, SUPV.

have a possible riot here.”³⁷ This deputy then turned and walked directly toward the back of the U-Haul, where the cargo door was still open and the last of the demonstrators were hurriedly getting in. He issued a direct and authoritative command to “Get in the van and go . . . Get in the van and go!”³⁸

A demonstrator already inside the cargo compartment of the U-Haul who was holding a selfie stick with a cell phone attached in his left hand raised it and pointed it at the crowd. In his right hand was a large black and silver cannister consistent with cannisters containing mace or OC spray. His right arm was up, aiming the cannister outward from the elevated platform of the U-Haul truck. Upon observing this, the HCSO deputy told him, “Don’t you spray me. Get in the van and go.”³⁹ Although the cannister was generally pointed out toward the rear of the truck where the officers were standing, the aim point remained somewhat elevated, and the demonstrator did not spray the cannister.

At just after 2:52 PM, the demonstrators shut the cargo door of the U-Haul, and the truck pulled away, heading eastbound toward Evendale.

C. Post-Vision Way Demonstration Engagement with the Demonstrators (Lockland, Ohio)

Within approximately one minute of the U-Haul containing the demonstrators driving away, the EPD supervisor who had been informed about the Jeep with the dog inside stated to an HCSO Lieutenant, “The only problem we got now is they’ve got one of their personal cars up there [gesturing toward the parking lot]. I told them [the demonstrators] to go down there and wait [at the end of the ramp] and we’ll worry about that in a little bit when things cool down. I’m going to go down there and talk to them about the Jeep.” The EPD supervisor and the HCSO Lieutenant both agreed that keeping officers in the area for a while was advisable.⁴⁰

As the EPD Supervisor pulled away, he momentarily stopped to engage with another officer on the Vision Way Overpass, saying, “Hey I’ve got to go talk to them. They’ve got a car up there still, so we’re going to have to figure out how the hell they’re going to get that because they can’t just walk up there and grab it now. I just wanted them to get down to the bottom of the ramp, so they were out of sight of all the residents.”⁴¹

The EPD supervisor pulled away and discovered that the U-Haul had not stopped at the bottom of the ramp as it had been instructed to do. The EPD supervisor quickly drove south onto I-75. While driving, the EPD supervisor spoke with another officer via radio and stated, “I’m trying to catch up to the U-Haul now to make sure I know for a fact that they’re not going back that way because they’re going to want to get that car.”⁴²

The EPD supervisor caught up with the U-Haul just before it reached the exit for the Village of Lockland, Ohio, Exit 12. The EPD supervisor’s seatbelt obscured the view of his BWC as he drove, but the camera nonetheless remained activated. The EPD supervisor pulled up next to the U-Haul and signaled for it to follow him.⁴³

The police cruiser and the U-Haul exited I-75 into the Village of Lockland and stopped on S. Cooper Court at approximately 2:58 PM. S. Cooper Court is across S. Cooper Avenue from the I-75 exit ramp and is approximately one

³⁷ HCSO BWC, HCSO1.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ EPD BWC, SUPV.

⁴¹ *Id.*

⁴² *Id.*

⁴³ Statement, EPD SUPV.

block long and wide enough for one vehicle to traverse at a time. S. Cooper Court immediately abuts the parking lot for the Lockland Local Schools Educational Annex to the south, at 125 S. Cooper Avenue, and the Lockland Market/Marathon Gas Station to the north, at 100 S. Cooper Avenue. There is no curb on S. Cooper Court but it is divided from the Lockland School parking lot by a few short poles and parking blocks on the school lot.

The Evendale police vehicle entered S. Cooper Court first, pulled most of the way up the block, and stopped on the right side, close to the rear wall of the Lockland Market/Marathon Gas Station. The U-Haul followed and stopped a few feet behind the police vehicle, also on the right side of S. Cooper Court. As the driver of the U-Haul exited the vehicle, he can be seen clearly on the Evendale supervisor's BWC and appears to be the same person that was driving when the U-Haul departed the Vision Way Overpass based on his clothing and physical appearance.⁴⁴ The EPD supervisor approached the U-Haul, and the following relevant conversation (which omits some cross-chatter from other individuals present) occurred:

EPD Supervisor: "We're trying to figure out a plan to get that Jeep."

U-Haul Driver (opening the cargo door): "Yeah, I don't know if we've got to get an Uber or something. That's probably the best thing, I'm guessing. I don't think anybody knows about it."⁴⁵

EPD Supervisor: "There's a dog. If the dog in there is friendly . . . if the dog in there is cool with me driving it for you guys, I can go and get it. But if there's a dog in there . . . I don't know..."

Demonstrator that Drove the Jeep (the "Jeep Demonstrator") (appearing unmasked as he exits the cargo area of the truck): "He's my service animal. That's why I really need to get him."

Unknown Demonstrator: "Get your mask on and let's go."

Jeep Demonstrator: "I don't give a fuck about my face right now."

EPD Supervisor: "Take that black shirt off and you can get in my car."

Jeep Demonstrator: "Cool, thank you brother."

EPD Supervisor: "If I got in the driver's seat of the car would the dog bite me?"

Jeep Demonstrator: "No."

EPD Supervisor: "Have you got your keys?"

Jeep Demonstrator: "Yes sir. Yeah, I got the keys"

EPD Supervisor: "Hey, are you guys done?"⁴⁶

⁴⁴ EPD BWC, SUPV.

⁴⁵ For context, "it" refers to the Jeep.

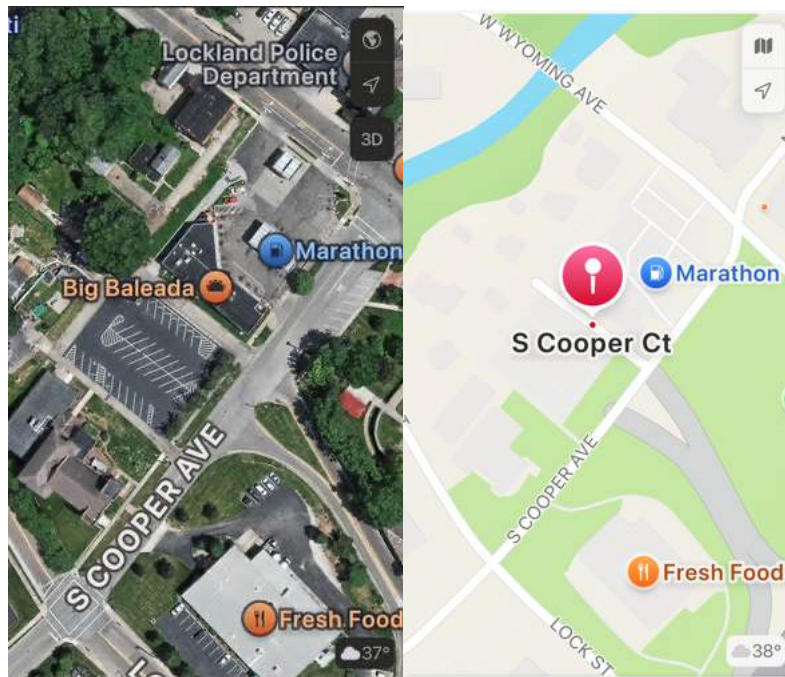
⁴⁶ It appears that the EPD Supervisor is asking if the demonstrators are done demonstrating for the day.

Unknown Demonstrator: “Yeah, we’re done for the day. We’re just trying to go get the dog, get the Jeep, and we’re out.”

EPD Supervisor: “Let’s go then.”

The EPD supervisor and the Jeep Demonstrator walked back to the police vehicle. The EPD supervisor told the Jeep Demonstrator to put on the seatbelt, then assisted the Jeep demonstrator with getting the seatbelt on as he sat in the right-rear seat of the police vehicle. The EPD supervisor did not frisk the Jeep Demonstrator for weapons or ask for identification.

Figure 2. Map of South Cooper Court



Source: Google Maps, Apple Maps

The EPD Supervisor turned the police vehicle around by driving onto, then backing out of, the northwest portion of the Lockland Educational Annex parking lot, then driving east on S. Cooper Court. When the U-Haul departed, it also pulled into the school parking lot, backed up, and departed eastbound on S. Cooper Court.⁴⁷

The entire interaction on S. Cooper Court between the EPD Supervisor and the demonstrators in the U-Haul lasted approximately 3 minutes.⁴⁸ The U-Haul departed approximately 2 minutes later. School was set to be dismissed for the day less than 5 minutes later.⁴⁹ During that time, from the vantage point offered by the EPD supervisor’s BWC, no other person or moving vehicle visibly appeared in the background. No children from the school appeared in the footage.

⁴⁷ Interview with Lockland Schools Official.

⁴⁸ EPD BWC, SUPV.

⁴⁹ Taylor Weiter, et al, “Lockland School Board Requests Investigation of Police, Says Footage Shows Neo-Nazis on School Property,” *WCPO.com* (Feb. 13, 2025), <https://www.wcpo.com/news/local-news/hamilton-county/lockland/lockland-school-board-requests-investigation-of-police-says-footage-shows-neo-nazis-on-school-property>; Interview with Lockland Schools Official (Apr. 24, 2025).

From the perspective of the Lockland School's surveillance camera,⁵⁰ one person is seen walking through the school parking lot and numerous cars are present, likely containing family members preparing to pick up the children when school is dismissed. In neither video does it appear that anyone approaches, engages, or otherwise interacts with the EPD Supervisor or the demonstrators.

As the police vehicle begins to depart at just after 3:00 PM, the EPD supervisor attached his own seatbelt as he is pulling off S. Cooper Court, thus obstructing the BWC view, but the BWC remained activated. The EPD Supervisor drove back to Vision Way. As the EPD Supervisor drove, the Jeep Demonstrator was heard inaudibly speaking a few times, and at other times he was audible as he spoke. The audible conversation was:

EPD Supervisor: "Hey, do they know not to go back up there?"

Jeep Demonstrator: "Yeah, yeah, no . . . They're going back to the hotel."

EPD Supervisor: "OK, you're just going to meet them there?"

Jeep Demonstrator: "Hey, we're in Louisville . . . We're in Kentucky anyway."

EPD Supervisor: "OK."

EPD Supervisor: "Just, when we get closer to here, don't um . . ."

Jeep Demonstrator: "Dude, I'm not saying anything."

Jeep Demonstrator: "Well, hopefully this will be the most eventful event you have."

EPD Supervisor: "Yeah, that wasn't a fun start to the week."

Jeep Demonstrator: "No, even to me, I've never encountered anything like that." (followed by an inaudible comment)

Jeep Demonstrator: Inaudible comment

EPD Supervisor: "Yes, sir . . . just trying to get this all put behind us."

The drive back to Vision Way took approximately 5 minutes, with the EPD police vehicle arriving at 3:05 PM. The EPD Supervisor stopped well back from the crowd, on the overpass, and it did not appear that the community members ever became aware of the presence of one of the demonstrators being back on the Vision Way Overpass, in the police vehicle. As the police vehicle arrived on the overpass, the Jeep Demonstrator is heard commenting about getting the Jeep back, suggesting the EPD Supervisor pull up next to it so he can quickly get in the Jeep and leave. The EPD supervisor replies that it might be better if the EPD Supervisor gets the Jeep.

⁵⁰ *Id.*

The EPD Supervisor gets the Jeep keys, exits the police vehicle, and approaches some additional EPD officers, who inform him that the Jeep tires have been slashed.⁵¹ The EPD Supervisor then engages in a conversation with a second EPD Supervisor as well as an HCSO Lieutenant in which they discuss the advisability of trying to retrieve the Jeep themselves. They reject the idea because (1) the crowd was not likely to willingly allow the Jeep to be moved, and (2) the vehicle's tires had been slashed, which would make it complicated to move. The HCSO Lieutenant then suggests that they move the conversation to the parking lot where the Jeep was parked to attempt to resolve it, and all three walk away.⁵²

D. Parking Lot & Area Near Techview Drive & Mangham Drive (Lincoln Heights, Ohio)

At approximately 2:58 PM, a group of HCSO deputies assembled near the west end of the Vision Way Overpass noticed that the crowd further west near Techview Drive and Mangham Drive were burning the swastika flag they had snatched from the demonstrators.⁵³ The deputies did not intervene in this activity, but some moved closer to the area. Within a few minutes, as described above, the HCSO Lieutenant speaks with the EPD supervisors, and they walk to the parking lot where the Jeep was located.

The Jeep was a black 4-door 2023 Jeep, rented from Budget Car Rental by one of the demonstrators previously identified in this report as the Jeep Demonstrator. It was parked in the lot on Techview Drive at approximately 1:00 PM on February 7, 2025.⁵⁴ As the officers approached at approximately 3:12 PM, all four tires were observed to be flat.⁵⁵ The passenger-side rear window and the rear-compartment window on the passenger side were both broken.⁵⁶ There was a live dog in the car.⁵⁷ No video reviewed by 21CP showed anyone actively damaging the Jeep. Only a few citizens were near the Jeep when the officers approached.

At 3:16 PM, the second EPD Supervisor was seen speaking on her cellphone. Upon hanging up, she told the first EPD Supervisor that, per the EPD Police Chief, with whom she had been speaking on the phone, the Jeep Demonstrator was to be taken back to the EPD Station at once. Further instruction was to provide the Jeep Demonstrator with the telephone number of the HCSO and ultimately to leave him at the EPD station. The EPD Supervisor approached the HCSO Lieutenant, confirmed that HCSO was going to tow the Jeep away from the parking lot, and obtained the telephone number for the Jeep Demonstrator to follow-up for a police report later if so desired.⁵⁸

The EPD supervisor re-entered his police vehicle, where the Jeep Demonstrator was still seated. The EPD supervisor informed the Jeep Demonstrator that the Jeep tires were slashed and that his dog was fine.⁵⁹ The following conversation occurred:

Jeep Demonstrator: "All my shit is in there, like my backpack, my wallet, my phone . . . all my info . . . like everything that I have is in that Jeep. Um, can you guys not just bear-mace that crowd and say 'OK, get back...he needs to get his stuff?' . . . I mean, like, they slashed the tires. I didn't do anything."

⁵¹ EPD BWC, SUPV.

⁵² *Id.*

⁵³ HCSO BWC, HCSO1.

⁵⁴ Hamilton County Sheriff's Office, Ohio Uniform Incident Report Number 25-000000627.

⁵⁵ EPD BWC, SUPV.

⁵⁶ EPD BWC, LT.

⁵⁷ EPD BWC, SUPV.

⁵⁸ *Id.*

⁵⁹ *Id.*

EPD Supervisor: “I got the Lieutenant of that agency’s name and number for you to call to report it.”

Jeep Demonstrator: “My phone is in the Jeep.”

EPD Supervisor: “We’re going to work on that. This is what we’re dealing with right now.”

Jeep Demonstrator: “Because I have to let my people know where I’m at. I need to be picked up now, and we’re staying in a different state, you know. And I just really need my dog.”

EPD Supervisor: “I have been instructed to just get you away from here.”

Jeep Demonstrator: “I need my service dog.”

As they drive to the EPD station, the EPD supervisor puts on his seatbelt, again obstructing the view of the BWC, but it remains activated. The EPD supervisor explains to the Jeep Demonstrator that officers are around the Jeep right now and will protect the dog but are trying to avoid further antagonizing the crowd and consequently would not be trying to retrieve anything out of the Jeep.⁶⁰

Jeep Demonstrator: “I don’t have anyone I’m with. I don’t have any of their phone numbers. Just pull up there, I’ll grab my phone, and I’ll say fuck the rest of my stuff.”

EPD Supervisor: “Dude, if I pulled you up there right now to let you get in that Jeep, there would be a massive shootout. Seriously, they all know that’s your car. Someone saw you guys get out of that, that’s why they slashed the tires. They are absolutely pissed.”

Jeep Demonstrator: “For absolutely nothing. For standing on a bridge.”

For the last few minutes of the ride, the Jeep Demonstrator stated that he did not even know the names of the other demonstrators and that he only knew their “handle names” and that the demonstrators were “from all over the place.”

At 3:29 PM, the police vehicle arrived at the EPD station. As the EPD Supervisor exited the vehicle, he indicated to other officers in the parking lot that this was his first time using the BWC and asked how to turn it off. Another officer ultimately turns it off for him, ending the BWC recording.

At the Techview Drive parking lot, HCSO was awaiting the arrival of a flatbed wrecker to tow the Jeep. The crowd in the area slowly grew. From various BWC recordings, it appears that the crowd swelled to several dozen people. There was a lot of conversation between the citizens and the officers about the outrage caused by the behavior of the demonstrators. This is further addressed below.

At 3:50 PM, a small fight broke out amongst the crowd standing in the parking lot, but it ended in less than one minute, with the participants separated from each other and no further contact occurring. As the crowd grew, members of the crowd became more animated and expressive, and they gathered more closely to the Jeep. HCSO deputies also moved closer to the Jeep.

⁶⁰ *Id.*

At 4:00 PM, a tow truck arrived in the area and was directed by a deputy on a traffic post.⁶¹ At 4:06 PM, the tow truck enters the parking lot where the Jeep is parked. The scene is chaotic, with citizen's cars parked randomly in the area, and a number of gathered individuals moving about.⁶²

Upon the arrival of the tow truck, some in the crowd pressed closely around the Jeep, and comments are audible on reviewed body-worn camera footage among various gathered individuals that the Jeep was not going to be towed, that the driver of the Jeep should come and get the Jeep, and that the crowd was not going to retreat to allow the Jeep to be towed. Chants of "No Justice, No Peace" can also be heard.⁶³ At 4:10 PM, an HCSO deputy climbs up on the bed of the tow truck and asks a female that was dancing and videoing the crowd to get down. She complies.⁶⁴ By 4:23 PM, several people were leaning against the back of the tow truck and some were sitting on the bed of the tow truck, making it unsafe to move it into position to tow the Jeep. An HCSO deputy asks them to "please hop off," and they comply.⁶⁵

The HCSO deputies, assisted by a few officers from neighboring jurisdictions, continually spoke to the crowd and gradually were able to clear the way behind the Jeep for the tow truck to back in at approximately 4:33 PM. The Jeep was hooked to a cable and winched up onto the flatbed tow truck. Multiple BWC views of the Jeep as it is being loaded onto the tow truck showed the right rear passenger window and the rear-compartment window on the passenger-side broken. The rest of the glass appears intact.⁶⁶ At 4:39 PM, the tow truck departed the parking lot with the Jeep.⁶⁷

Sometime later,⁶⁸ the flatbed tow truck carrying the Jeep is seen on a still security camera⁶⁹ backing into an HCSO garage. The EPD supervisor who had previously transported the Jeep demonstrator is seen climbing up onto the bed of the truck, entering the Jeep, and retrieving a backpack. There is no sign of the dog in this video,⁷⁰ as the dog had apparently been recovered from the Jeep by an HCSO deputy after the Jeep was towed from the parking lot but before it reached the HCSO garage. The dog was transferred to an EPD officer at a Sunoco gas station at 1545 Glendale-Milford Road. The EPD officer then transported the dog back to the EPD station, where it was returned to the Jeep Demonstrator.⁷¹ Shortly after being given his dog, and his backpack containing his telephone and other belongings, the Jeep Demonstrator was asked by the EPD Supervisor to leave the EPD station and await his ride elsewhere, which he did.⁷²

E. Subsequent Events

On the evening of February 7, 2025, at approximately 7:00 PM, the Jeep Demonstrator made a telephonic offense report for Criminal Damaging and Vandalism regarding the damage to the Jeep. The narrative of the report states, in relevant part, that the Jeep Demonstrator "left the vehicle with his dog inside it parked at the business and during a peaceful protest [when] . . . the vehicle was damaged. All the tires were slashed, and all the windows were broken out."⁷³

⁶¹ HCSO BWC, HCSO3.

⁶² HCSO BWC, HCSO4.

⁶³ *Id.*

⁶⁴ HCSO BWC, HCSO5.

⁶⁵ *Id.*

⁶⁶ EPD BWC, LT.

⁶⁷ HCSO BWC, HCSO5.

⁶⁸ The precise time was not reflected in the video.

⁶⁹ No audio was available.

⁷⁰ HCSO, Impound Lot video.

⁷¹ EPD Training/Debrief Notes.

⁷² EPD Training/Debrief Notes.

⁷³ Hamilton County Sheriff's Office, Ohio Uniform Incident Report Number 25-000000627.

On February 14, 2025, at just after 10:30 AM, two men appeared at the EPD station wishing to make a theft report regarding the flag that had been taken by the crowd just before the demonstrators departed Vision Way Overpass in the U-Haul truck.⁷⁴ Additionally, these men wished to make an offense report on behalf of another demonstrator who alleged that the driver of the black pickup truck, described previously in this report, pointed a firearm at him. The two men stated the victim demonstrator was not local to the area and was physically unable to be present to report it. EPD did not make an offense report for this allegation, stating that the victim must personally appear at the EPD station to report this offense. As of this writing, no one has appeared at the EPD station claiming to be this victim.

On Thursday April 3, 2025, 21CP met with officials from Lincoln Heights, as well as the State Representative elected from this area, the 25th District of the Ohio House of Representatives, at the Lincoln Heights Municipal Building. The Mayor, Vice Mayor, and Interim Village Manager of Lincoln Heights attended. A productive discussion occurred in which 21CP was able to hear from the Village leadership and collect important information regarding the impact of the events described in this report, as well as the questions and concerns that were raised regarding the law enforcement response.

As a result of this incident, the Ohio House of Representatives is working on legislation that would make the wearing of a mask while engaging in certain conduct unlawful in the state of Ohio. As this legislation is still in the early stages of development, this report will not delve into the potential impact such a law change may have on future similar situations.

⁷⁴ Evendale Police Department Theft Report, Incident #202500000051.

III. Analysis & Recommendations

A. Legal Issues

The events that occurred in Evendale, Ohio on February 7, 2025 implicate a number of legal issues. Many of these issues and questions were voiced by community members, as heard on the BWCs worn by the officers, or were presented in the public media in the following days.

1. Hate Speech

One official of Lincoln Heights interviewed by 21CP articulately stated that the image of a swastika, coupled with the language spoken by the demonstrators, is absolutely perceived as a violent act by the African-American community – thereby rendering the actions of the demonstrators not peaceful, and therefore unlawful.⁷⁵ Indeed, the actions and speech by assembled demonstrators would be quite likely to aggravate historical trauma and incite strong, visceral reactions.

The subject of this type of expression – that is, expression that amounts to “hate speech” – has been the source of frequent scrutiny by lawmakers and courts alike. Hate speech might be defined generally as:

Any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons on the basis of race, religion, skin color, sexual identity, gender identity, ethnicity, disability, or national origin.⁷⁶

The core actions and messages of the demonstrators on February 7 fits this definition.

As noted at the outset of this report, 21CP and its investigators in no way support, agree with, condone, or even completely understand the odious messages delivered by the demonstrators. However, whatever our views about the morally reprehensible nature of the speech of demonstrators of February 7, our analysis must consider the actions of demonstrators in light of the relevant laws of the United States and the State of Ohio.

The First Amendment of the United States Constitution establishes an individual’s right to free speech and peaceful assembly.⁷⁷ The Constitution of the State of Ohio contains similar language.⁷⁸ A long line of American jurisprudence has established that these fundamental protections give individuals a right to express their views no matter how unpopular, unusual, hurtful, or morally reprehensible others believe those views to be. For instance, in *R.A.V. v. City of St. Paul*, the Supreme Court ruled that a Minnesota ordinance “prohibit[ing] the display of a symbol” that “arouses anger, alarm or resentment in others on the basis of race . . .”⁷⁹ violated the First Amendment. In *Snyder v. Phelps*, the Court concluded that First Amendment protections to individuals picketing military funerals “cannot be overcome by a . . . finding” that the speech and speech acts were “outrageous” or “the expression of those views [were] particularly hurtful to many,” explaining:⁸⁰

⁷⁵ 21CP Meeting with Lincoln Heights Village Leadership (Apr. 3, 2025).

⁷⁶ American Library Association, Advocacy & Issues, Intellectual Freedom, “Hate Speech and Hate Crime,” <https://www.ala.org/advocacy/intfreedom/hate> (last visited May 16, 2025).

⁷⁷ U.S. Const. amend. I.

⁷⁸ Ohio Const., art. 1 § 11.

⁷⁹ 505 U.S. 377, 379 (1992).

⁸⁰ 562 U.S. 443 (2011).

Given that [the] . . . speech was at a public place on a matter of public concern, that speech is entitled to ‘special protection’ under the First Amendment. Such speech cannot be restricted simply because it is upsetting or arouses contempt. If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. Indeed, the point of all speech protection . . . is to shield just those choices of content that in someone’s eyes are misguided, or even hurtful.⁸¹

Additionally, roads, sidewalks, and pedestrian walkways are the type of “[t]raditional public for[a]” that “occup[y] a special position in terms of First Amendment protection.”⁸²

In short, “hate speech” is not an exception to the First Amendment, and it is therefore considered protected speech. Consequently, police officers generally may not intervene or interfere with respect to speech or speech acts that might fit the definition of “hate speech” but do not involve any other unlawful activity. At the same time, the First Amendment allows other individuals with different views – such as the community members who assembled on February 7 after the demonstrators arrived to Evendale – to express them without the interference of police.

2. Permits for Demonstrations or Protests

Even as courts have regularly affirmed the ability of individuals to engage in speech and speech acts on matters of public concern in public places, “even in public forums such as public streets, sidewalks, and parks, where free speech rights have greatest latitude, it is well-settled that the First Amendment allows the imposition of reasonable content-neutral time, place, and manner restrictions” – in part to ensure that these fora remain available to others for purposes of movement, their own First Amendment expression, or other activities.⁸³ In this way, police can, for instance, preclude protestors from blocking the flow of traffic on a roadway. Although a jurisdiction cannot require that protesters secure a permit in order to exercise their First Amendment rights, many municipalities encourage individuals to use a permitting process in order to ensure demonstrator and wider community safety.

Based on the interviews conducted and materials reviewed by 21CP, there is no indication that anyone from EPD, or anyone other than the demonstrators themselves, had knowledge that a white supremacy demonstration was going to occur in the greater Cincinnati area, or more specifically the Evendale area, on February 7, 2025.

The Village of Evendale has no ordinance, form, or process specifically addressing the organization of a demonstration or a protest. Evendale does have two ordinances that recognize the concept of road closure/occupation rights within Evendale,⁸⁴ but neither ordinance is specifically applicable to the events of February 7 because they occurred primarily on the sidewalk.

In the Village of Evendale, it appears that there is no record or memory of either ordinance ever being utilized, and, if someone were to attempt to obtain a permit under these ordinances, their defensibility and utility is questionable due to the constitutionally-protected nature of the activity.⁸⁵ The Village of Evendale has virtually no experience with private organizations or individuals requesting temporary street occupation or closure. The rare occasions in which,

⁸¹ 562 U.S. 443 (2011) (citing *Texas v. Johnson*, 491 U.S. 397, 414 (1989); *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557, 574 (1995)) (internal quotations omitted).

⁸² *United States v. Grace*, 461 U.S. 171, 180 (1983).

⁸³ Jenny Martinez, “The First Amendment Does Not Give Protesters a Heckler’s Veto,” *Stanford Magazine* (May 2023), <https://stanfordmag.org/contents/the-first-amendment-does-not-give-protesters-a-heckler-s-veto>.

⁸⁴ Ord. 412.05, Parades & Assemblages; Ord. 406-10 Traffic Control by Permit; Fee.

⁸⁵ *Id.*

for instance, a contractor does street work that requires traffic control or a 5K race enters the streets of Evendale are handled with informal telephone calls.⁸⁶

3. Bearing of Firearms

Available evidence establishes that at least one of the demonstrators carried an AR-style rifle,⁸⁷ and another had a holstered handgun visible on his hip.⁸⁸ In addition to these armed demonstrators, a citizen that observed the demonstrators when they initially arrived in the parking lot at Techview and Mangham Drives stated to an HCSO deputy that he observed three of the demonstrators armed with rifles.⁸⁹ Although it is possible more of the demonstrators were armed with firearms, 21CP was unable to confirm this by reviewing the available footage.

There is no Ohio law generally forbidding the open carry of a firearm. Section 2923 of the Ohio Revised Code (ORC), Weapons Control, contains an array of circumstances in which the possession of a firearm is forbidden, such as in schools and courthouses. Additionally, Section 2923.13 ORC provides that a person possessing a firearm cannot be under a legal disability, such as being a fugitive from justice, is currently drug dependent, or under criminal indictment or has been convicted of certain crimes.

There was no information in the interviews conducted or materials reviewed by this investigation that any of the firearm prohibitions listed in the ORC were violated by the demonstrators. The demonstration occurred on the public sidewalk in plain view of all. Without at least a reasonable suspicion that a crime was being committed, under Ohio law, the officers that responded to the Vision Way Overpass on February 7 had no legal cause to stop the demonstrators, intervene in their behavior, seize their firearms, or ask for their identification.

Separately, it is a violation of Ohio law to threaten another person. Sections 2903.21 and 2903.22 of the Ohio Revised Code define the crimes of Aggravated Menacing and Menacing – both of which require the offender to cause another person to believe they will cause harm to a victim. Pointing a firearm or verbally threatening to shoot someone would generally constitute a violation of these sections. In videos and information reviewed by 21CP, no armed demonstrator is ever seen pointing a firearm at anyone or verbalizing a threat of harm toward any person. Likewise, the motorist passing in a black pickup truck was seen generally waving a firearm while inside his vehicle but was not observed pointing it at anyone.

In summary, the possession of firearms by the demonstrators did not violate any Ohio law, nor did it create any legal foundation upon which the police officers present could intervene in their behavior.

4. Attaching Flags & Banners to the Overpass

As the demonstrators were setting up on the Vision Way Overpass, they attached two flags and a large banner to the overpass fencing which could be viewed by traffic passing southbound on I-75 beneath them. The Ohio Revised Code forbids advertising on the roadways in this manner:

Except as provided in this section and in section 5515.04 of the Revised Code, no person shall place within the limits of the right-of-way or affix any sign, poster, or advertisement to any tree or utility

⁸⁶ *Id.*

⁸⁷ HCSO BWC, HCSO1.

⁸⁸ Facebook photo provided to 21CP Solutions by EPD.

⁸⁹ HCSO BWC, HCSO2.

pole within the right-of-way of any public highway outside of municipal corporations. No person, organization, corporation, or group shall place within the limits of the right-of-way any object as determined by the department of transportation to obscure sight distance.⁹⁰

Balancing the state code prohibiting this behavior against the constitutional right to express one's views is beyond the scope of this investigation, but the issue should be reviewed by the Hamilton County Prosecutor's office for a determination as to whether the filing of criminal charges is appropriate.

5. *Riding in the back of the U-Haul Truck*

The demonstrators were observed riding in the cargo area of the U-Haul truck as they left the scene, and again later when they were in Lockland. The Ohio Revised Code contains two sections that appear to be relevant to passengers riding in the back of a truck:

(E) No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour,

(F) No driver of a truck, trailer, or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.⁹¹

Neither of these sections of applicable state law seem to apply, as Section E refers to trucks with an unenclosed cargo area when the U-Haul cargo area was enclosed. Section F forbids riding in the cargo area of an enclosed truck if the tailgate is unlatched, but the demonstrators appeared to close the door when they were seen departing the Vision Way Overpass. Again, however, the Hamilton County Prosecutor's Office should review the traffic codes and determine if any demonstrator actions warrant filing charges.

B. *Operational Decision-Making*

Police officers responding to the scene of the demonstration on February 7 made a number of operational decisions – some made almost instantly without discussion, while others were made after some time to consider alternatives and potential consequences.

1. *Initial Response to Vision Way*

As described previously, when the initial call for service was dispatched at 2:09 PM, several things happened almost simultaneously. One HCSO unit stopped west of the overpass to speak to a citizen and gather information.⁹² One EPD Supervisor placed a telephone call to the EPD Chief and received some initial instructions.⁹³ Several additional police units went directly to the overpass.

⁹⁰ Ohio Rev. Code Ann. §5589.33, available at <https://codes.ohio.gov/ohio-revised-code/section-5589.33>.

⁹¹ Ohio Rev. Code Ann. §4511.51, available at <https://codes.ohio.gov/ohio-revised-code/section-4511.51>.

⁹² HCSO BWC, HCSO2.

⁹³ Interview with EPD SUPV2 (Mar. 27, 2025); Interview with EPD (Mar. 27, 2025).

The initial directions issued by the EPD Chief were for the EPD supervisor on scene to send him a photo of the demonstrators and to minimize contact with the demonstrators unless they were observed violating the law. In fact, the demonstrators were on the sidewalk of the overpass, and although there were twelve of them, they were moving about sufficiently so as not to block pedestrian traffic. They generally stayed on the sidewalk, and although they may have stepped into the street, there was no indication that they physically blocked vehicular traffic. Because the actions of the demonstrators did not obviously violate any Ohio or municipal law, and consistent with the EPD Chief's direction, the EPD officers did not approach or engage the demonstrators until 2:49 PM.⁹⁴

2. Traffic Management

Although vehicular traffic could flow across the overpass while the demonstrators were present, and vehicles did pass by, the presence of the demonstrators began causing some motorists to stop on the overpass and engage with the demonstrators verbally. This report provides details above about two specific instances of motorists who stopped in the roadway and/or exited their vehicles. This posed some level of risk, as the vehicles that were behind the two stopped vehicles were forced to stop as well, which caused the traffic situation to become increasingly chaotic.⁹⁵

The two EPD supervisors who were present engaged in a brief conversation and decided to close off traffic on the overpass, as well as on the ramps leading to the overpass. The supervisors understood from the HCSO that the demonstrators planned to stay for one hour, which would make any traffic closure reasonably brief.⁹⁶ This rerouting caused uninvolved motorists to need to proceed a few extra blocks to get around the closed area, but it is unlikely that it constituted an unreasonably significant inconvenience.

In this situation, given the heightened tension and presence of weapons, closing the traffic was prudent to maintain distance between the demonstrators and the community. To some degree, closing traffic also practically limited the size of the audience that could observe or come into contact with the demonstrators at all. All affected traffic routes were reopened shortly after the demonstrators departed Vision Way.

3. Decision To Tow the Jeep

The Jeep was parked in a parking lot near the intersection of Techview and Mangham Drives, in the Village of Lincoln Heights. The decision of what to do with the Jeep fell to the HCSO supervisors at that scene because the Village of Lincoln Heights falls within HCSO's jurisdiction. HCSO supervisors decided to summon a tow truck to tow the Jeep to their impound lot for safekeeping.

The Jeep and the parking lot became the focal point of community gathering following the departure of the demonstrators from the Vision Way Overpass. The available evidence does not allow 21CP to determine how the community learned the Jeep was parked there by the demonstrators, but the damage caused to the Jeep, combined with comments overheard by at least one officer about the crowd's intention to burn the Jeep,⁹⁷ indicate that the decision by the HCSO supervisor to tow the vehicle away was likely prudent.

The decision by HCSO to tow the vehicle was sound. The totality of the circumstances described provided more than reasonable notice that, had the Jeep been left as parked, it likely would have been further damaged or destroyed. Had

⁹⁴ EPD BWC, SUPV; OHGO video.

⁹⁵ EPD BWC, EPD3.

⁹⁶ EPD BWC, SUPV.

⁹⁷ EPD BWC, SUPV.

this happened, especially by fire, the risk to nearby vehicles and buildings was great. More importantly, had any or all of the demonstrators returned themselves to retrieve this vehicle, the potential risk of serious physical harm to persons was great. Finally, it would have been inhumane to leave the dog inside the vehicle, knowing that the owner was unlikely to be able to retrieve it, and further damage to the car might have elevated the risk of harm to the dog.

As an alternative, there was considerable discussion amongst the police supervisors about having the first EPD Supervisor drive the Jeep away, if possible, as a potential resolution. That decision was eventually rejected for two reasons. First, all four tires were slashed, rendering the vehicle immobile. Second, even if the Jeep could have been driven away, such a move risked further inflaming the assembled community members. It was likely wise and fortuitous that this plan was abandoned.

This situation in the parking lot caused a bit of a passive standoff between the HCSO deputies, who were being assisted by officers from other jurisdictions, and the community members who had gathered as a result of this incident. The deputies and officers were in the area of the Jeep, among dozens of community members, for approximately 90 minutes. During the final approximately 40 minutes of this time, the tow truck arrived. However, as noted prior, it took nearly that length of time to convince the crowd to back away far enough for the tow truck to safely approach and secure the Jeep. During this period, the crowd expressed their disapproval of the police towing the vehicle, with crowd members indicating that they would prefer if it remained where it was parked. Others suggested that the driver of the Jeep should come and get it himself. The community members continually placed themselves in the path of the tow truck, including sitting or standing on the tow truck, which slowed its approach. However, in every instance, community members moved away when asked by an officer, and no officers or deputies expressed anger or frustration. The assembled officers did not escalate the timeline for removal at any point; rather, personnel acted with patience and trained de-escalation tactics to move the crowd toward compliance.

An EPD supervisor responded to the HCSO impound lot and retrieved the Jeep Demonstrator's backpack, containing his telephone and personal belongings. As described above, without his telephone, the Jeep Demonstrator felt he had no way to obtain transportation out of the area. Just as the EPD supervisor was leaving the parking lot to follow the tow truck, he told the EPD lieutenant that he was going to "get the guy's phone because I don't even want him in our Village," which suggests that the EPD supervisor's actions stemmed from a desire to expedite the Jeep Demonstrator's exit from the area.

4. Conflict Management & De-escalation

Police officer BWC footage and relevant social media postings reviewed by the investigation show officers attempting to prevent physical harm and calm the community members. As stated by the EPD Supervisor, "The number one thing was to make sure no one got hurt, and that's what we did." Without any evidence of discussion among the on-scene officers, the assembled personnel behaved similarly in this situation – placing themselves between the community members and the demonstrators and using a continuous mixture of body positioning, physical gestures, and words to dissuade all present from coming into physical contact with one another. Across the evidence made available to and reviewed by 21CP, the investigation did not identify any instances of police officers making derogatory remarks toward the community members, making any threats of force or arrest, drawing or deploying any defensive weapons, or making any comments that expressed agreement with the language and behavior of the demonstrators. Instead, the verbal engagement of officers focused on trying to prevent violence. For instance:

- “I’ve got your back . . . We know each other . . . Nobody says this is OK. Nobody agrees with this”⁹⁸;
- “These guys [the demonstrators] are fucking losers;”⁹⁹
- “I don’t like this either;”¹⁰⁰
- “Don’t give them what they want” (*i.e.*, a violent confrontation)¹⁰¹;
- “It ain’t worth it” (*i.e.* a violent confrontation);¹⁰² and
- “They’re leaving.”¹⁰³

After the U-Haul departed the Vision Way Overpass, BWC footage captures numerous conversations between officers and community members as well as conversations between just the officers themselves as they discussed what occurred and plans for the immediate future regarding the remaining crowd, the Jeep, and the incensed community. 21CP did not identify any conversation that indicated support or agreement with the demonstrators’ message. Some officers tried to explain to citizens the constitutional rights involved in the incident as well as the actions of the officers in preventing conflict and allowing the demonstrators to leave. Although this did little to reduce the level of hurt, fear, and dissatisfaction amongst the community, officers remained calm and attempted to answer questions. For example:

- An HCSO deputy speaks with a person he identified as a community leader, telling him the Lincoln Heights community was “set up” because two of the demonstrators were African-Americans and that they got exactly what they wanted because the community is now all riled up. The deputy continued, “Nobody here – myself and every other cop here – didn’t agree with a damn thing that just happened.”¹⁰⁴
- Several officers from multiple jurisdictions were talking among each other (with no citizens within earshot). They agreed that, provided the dog in the Jeep was rescued, they were not concerned with the Jeep itself or its other contents. In the context of the Jeep Demonstrator possibly not getting his phone and possessions back, an EPD officer commented, “Play stupid games; win stupid prizes. This is the nonsense you guys created.”¹⁰⁵

The International Association of Chiefs of Police defines de-escalation as:

Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction

⁹⁸ HCSO BWC, HCSO1.

⁹⁹ EPD BWC, SUPV.

¹⁰⁰ EPD BWC, EPD4.

¹⁰¹ EPD BWC, SUPV2.

¹⁰² EPD BWC, EPD5.

¹⁰³ EPD BWC, EPD6.

¹⁰⁴ HCSO BWC, HCSO1.

¹⁰⁵ EPD BWC, EPD5.

in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.¹⁰⁶

“De-escalation” refers to tactics, techniques, and strategies for successfully and safely resolving incidents with less significant, minimal, or no force. “The term de-escalation can be viewed as a both an overarching philosophy that encourages officers to constantly reassess each situation to determine what options are available to effectively respond, as well as the grouping of techniques designed to achieve this goal.”¹⁰⁷

Regarding both the situation involving the demonstrators and the approaching crowd on the Vision Way Overpass, as well as the parking lot where the Jeep was located, the police officers present displayed excellent de-escalation skills. On the Vision Way Overpass, they placed themselves between twelve legally armed demonstrators engaged in hate speech, and a crowd of at least fifteen to twenty incensed and provoked citizens.. Without threats or harsh words, and without weapons or force, the officers quelled the chaotic situation by ordering the demonstrators to leave and asking, almost pleading with the community to retreat. Shortly after the U-Haul departed, one EPD officer accurately summed it up by stating, “Another minute, and that would’ve gotten very ugly.”¹⁰⁸

Likewise, in the parking lot at Techview and Mangham Drives, the HCSO deputies, assisted by officers from various departments, demonstrated patience and empathy over a long period of time as they persisted in removing the Jeep from the area, thus removing the incentive and opportunity for the chaos to continue into the evening.

5. Summoning, Positioning and Use of the Mobile Field Force Team (MFF)

The Hamilton County Police Association (HCPA) offers a Mobile Field Force Team that is available to every law enforcement agency in the county. HCPA’s website describes the MFF team as:

The Hamilton County Police Association’s Mobile Field Force Team was established in 2018 as a multi-jurisdictional crowd management team. The 45-member team provides crowd and event planning and management assistance to over 40 local jurisdictions located within Hamilton County. The team provides these local agencies with a rapid, organized, disciplined, and highly trained response to events involving crowds, civil disturbances, and riot situations. The mission of the team is the protection of life and property while preserving citizens’ First Amendment right to peacefully assemble.¹⁰⁹

The MFF accepts requests to respond from the chief executive officer of the law enforcement agency available at the time the need arises. Upon arrival, the MFF leadership consults with the local police agency to determine usage, tactics, timing, etc. The MFF does not act spontaneously or on its own volition except in instances that threaten human life.¹¹⁰

¹⁰⁶ International Association of Chief of Police, *National Consensus Policy and Discussion Paper on Use of Force 1* (last rev. July 2020), [https://www.theiacp.org/sites/default/files/2020-07/National Consensus Policy On Use Of Force%2007102020%20v3.pdf](https://www.theiacp.org/sites/default/files/2020-07/National%20Consensus%20Policy%20On%20Use%20Of%20Force%2007102020%20v3.pdf).

¹⁰⁷ *Id.* at 9.

¹⁰⁸ EPD BWC, EPD3.

¹⁰⁹ Hamilton County Police Association, Mobile Field Force Team, <https://hcapaohio.org/index.php/contact/mobile-field-force-team/> (last visited May 16, 2025).

¹¹⁰ Interview with MFF Leadership (Apr. 3, 2025).

On February 7, the EPD Chief made a request for the MFF to respond to Evendale shortly after being notified of the presence of the demonstrators on Vision Way.¹¹¹ The call-up message sent to MFF members stated in relevant part:

TEAM ACTIVATION - Active protest in Evendale. Roughly armed white separatist protesters on the highway overpass. I-75 @ Vision Way. Evendale PD is concerned about unrest in the area and possible counter-protests.¹¹²

Upon arrival at the EPD Station at 10500 Reading Road, the MFF staged in the parking lot.¹¹³ They remained there for approximately 45 minutes.¹¹⁴ The EPD Lieutenant spoke to an HCSO supervisor that requested the MFF be moved closer to the scene where the Jeep was parked, however this conversation was not captured on BWC.¹¹⁵ The EPD Lieutenant passed this message on to MFF leadership.¹¹⁶

The MFF moved from the EPD Station parking lot to the Vision Way Overpass. From this position, the MFF leadership could view the scene in the parking lot where the Jeep was located, and the crowd in that parking lot could see the MFF vehicle if they looked in that direction. The Commander and Assistant Commander of the MFF exited the vehicle and viewed the scene; the remainder of the MFF members stayed in the vehicle. The MFF commanders viewed the scene for approximately 5 minutes and observed that the crowd had moved away from the Jeep, the tow truck had possession of the Jeep, and that the MFF was apparently no longer needed. At approximately the same time, the MFF commanders received communication from the EPD Lieutenant, further described in the subsequent paragraph, asking them to leave. The commanders re-entered the vehicle, and the MFF left the scene. The MFF team was not deployed out of their vehicle, nor into the scene in Lincoln Heights.

While the MFF team was on the Vision Way Overpass and just prior to the tow truck taking possession of the Jeep, the EPD Lieutenant, who was in the parking lot near the Jeep, stated to the HCSO Lieutenant that the MFF was “staged right there,” gesturing toward the overpass. The HCSO Lieutenant replied, “That’s good, but we’re trying everything to avoid it. We’re doing everything we can to avoid that.”¹¹⁷ Just after the tow truck pulled away, the HCSO Lieutenant and an HCSO Supervisor approached the EPD Lieutenant and requested the MFF vehicle leave, as it was starting to draw attention by the community members and was “starting to piss people off.” The EPD Lieutenant conveyed that message, and the MFF vehicle left the scene.¹¹⁸

6. Lockland Schools Educational Annex Scene

When the U-Haul containing the demonstrators left Vision Way, the EPD Supervisor directed them to wait nearby. His stated purpose for asking them to pull off the Vision Way Overpass out of sight but to wait for him was to make arrangements to retrieve the Jeep and its contents.¹¹⁹ The EPD supervisor deemed that the risk of further conflict and harm would be too great if the demonstrators were left to their own decision-making regarding recovering the Jeep, but it was clear the demonstrators would not totally abandon the Jeep because of the service dog inside.

¹¹¹ Interview with EPD Chief (Mar. 27, 2025); MFF After-Action Review, (Feb. 7, 2025).

¹¹² Mobile Field Force Activation screenshot.

¹¹³ Interview with EPD LT (Apr. 1, 2025); Interview with MFF Leadership (Apr. 3, 2025).

¹¹⁴ Interview with MFF Leadership (Apr. 3, 2025).

¹¹⁵ Interview with EPD LT.

¹¹⁶ *Id.*; Interview with MFF Leadership (Apr. 3, 2025); MFF After-Action Review, (Feb. 7, 2025).

¹¹⁷ EPD BWC, LT.

¹¹⁸ *Id.*

¹¹⁹ EPD BWC, SUPV.

From the time the EPD Supervisor learned of the existence of the Jeep at 2:49 PM until the time the Jeep situation is resolved by towing at 4:39 PM, the EPD Supervisor is heard on his BWC at least seven times discussing why he felt the Jeep needed to be recovered without the involvement of the demonstrators themselves. These conversations occurred in person and on the radio, with the HCSO Lieutenant and the EPD Lieutenant, with other officers, and with the demonstrators themselves. All were recorded on his BWC.¹²⁰ Both his intentions and his reasoning were clear. The EPD Supervisor reasonably feared significant harm would likely occur to persons and/or property, and the community outrage in Lincoln Heights and Evendale would be exacerbated if the situation was left to resolve on its own.

Had the demonstrators waited on the roadside a short distance away, as instructed, their appearance at the Lockland Local Schools Educational Annex might never have occurred. Because the demonstrators in the U-Haul drove on, and because of the EPD Supervisor's persistence in resolving the fate of the Jeep, the EPD supervisor found the U-Haul on I-75 and motioned for them to follow him. He took the next available exit, which ends right across the street from S. Cooper Court. When the EPD Supervisor chose this place to stop, the U-Haul followed and stopped as well.

The EPD Supervisor's stated reason for stopping at this location was simply that it was close to the exit, it was available, and it looked like an empty alleyway between a gas station and a church that likely wasn't having services on a Friday afternoon.¹²¹ The EPD Supervisor did not notice the large sign at the entrance to S. Cooper Court announcing the presence of the Lockland Local Schools Educational Annex, nor the larger sign on the front of the building with the same language.¹²² There were also a number of cars in the parking lot, many of which were occupied by parents and grandparents waiting to retrieve their children when the school was dismissed.¹²³ This building, which is currently being used as a school, was originally the Lockland Presbyterian Church. Although the building existed and served as a church for many years, it had been acquired, renovated and turned into a school beginning in the Fall of 2023, serving students aged pre-Kindergarten through 4th grade.¹²⁴

The EPD Supervisor told 21CP that, in his approximately ten years of working in the neighboring jurisdiction of Evendale, he had known that building to be a church and was not aware that it had been renovated and repurposed as a school. He stated he only realized it was a school as he was leaving and looked at the building more closely. He indicated then that stopping there was a mistake, and he expressed extreme regret in making this mistake.¹²⁵

Stopping at a school to converse with a truck full of armed white supremacists is a mistake, even if good-faith and unintentional, and nothing in this report is intended to take away from that fact. School was set to be dismissed within minutes (at 3:05 PM), and it was mere luck that the demonstrators departed just before the children emerged from the school. It is fortunate that the encounter on S. Cooper Court was brief, uneventful, and concluded before school was dismissed for the day. Both Lockland School officials and the Lockland Police Department were aware of the demonstration that had occurred on the Vision Way Overpass, but neither were notified nor otherwise aware that the demonstrators had made their way into Lockland.¹²⁶

¹²⁰ *Id.*

¹²¹ Interview with EPD LT (Apr. 1, 2025).

¹²² *Id.*

¹²³ Interview with Lockland Local School District Official (Apr. 24, 2025).

¹²⁴ *Id.*; Pepper Construction, "Lockland School District Annex Building," <https://www.pepperconstruction.com/ar2023/lockland-school-district-annex-building> (last visited May 16, 2025).

¹²⁵ Interview with EPD SUPV.

¹²⁶ Taylor Weiter, et al, "Lockland School Board Requests Investigation of Police, Says Footage Shows Neo-Nazis on School Property," *WCPO.com* (Feb. 13, 2025), <https://www.wcpo.com/news/local-news/hamilton-county/lockland/lockland-school-board-requests-investigation-of-police-says-footage-shows-neo-nazis-on-school-property>.

This incident caused tremendous and understandable concern amongst the Lockland School District and the Village of Lockland.¹²⁷ At a minimum, the EPD Supervisor should have notified the Lockland Police Department that he was stopping in their jurisdiction for an official law enforcement purpose. This might have offered him some assistance had the follow-up encounter with the demonstrators not been safe – and, more importantly, would have allowed the Lockland officers to realize and react more quickly to the proximity of the school facility.

7. General School Notifications

This investigation spoke with the leadership of both the Princeton City School District, which includes Lincoln Heights and Evendale, and the Lockland Local School District. Both school districts confirmed that no formalized system exists to provide notifications about dangerous incidents that occur that may cause schools to delay dismissal, reroute buses, provide information to their staff, students and parents, or perhaps take some other action to mitigate risk and/or exposure to their school communities. Both indicated that, historically, they have received information about ongoing incidents in a variety of informal ways, but both agree a more consistent formalized system would be an improvement. Indeed, both school districts did learn of the demonstration occurring on the Vision Way Overpass at some point while it was in progress. However, as noted previously, the Lockland School District did not receive any notification of the presence of the EPD supervisor or the U-Haul near and on their property until after it was over, and that information came from social media, not from any designated authority.¹²⁸

8. Body-Worn Camera (BWC) Usage

In reviewing the available BWC footage recorded by the Evendale police officers involved in the February 7 incident, 21CP noted some ten instances involving a total of at least 8 officers discussing the operation of the BWCs, with most of these conversations expressing confusion about how to operate the cameras. Indeed, the basics of how to turn the BWCs on and off was a recurring theme. A few of the conversations involved officers and supervisors ensuring their BWCs were activated and deciding they should keep them activated.

The investigation learned that, as of the events of February 7, the Axon BWCs that officers were using were only very recently acquired and put into the field. These Axon BWCs replaced EPD's former Motorola BWCs. 21CP verified through EPD, as well as Axon, that the new BWCs were shipped to EPD on January 28, 2025; a virtual training session occurred on Friday, January 31, 2025 for EPD members who were working at that time; a PowerPoint tutorial was provided by the manufacturer and made available to every EPD officer; and the new BWCs were officially put into service by EPD on Monday February 3, 2025.¹²⁹

Consequently, the acquisition and usage of these BWCs was so recent that, for some of the officers, this was the first time they had ever used the new camera due to being off duty in the days preceding February 7. Unfortunately, at least some of the EPD officers had not yet reviewed the PowerPoint at all, and others that had apparently did not fully understand the operation of the BWCs. Although the prior BWC and new BWC have similar functionality, a different set of buttons must be depressed to deactivate the BWC when the need to record is over.¹³⁰

¹²⁷ Interview with Lockland Local School District Official (Apr. 24, 2025).

¹²⁸ Interview with Princeton City School District Official (Apr. 21, 2025); Interview with Lockland Local School District Official (Apr. 24, 2025).

¹²⁹ Interview with EPD LT (Apr. 1, 2025); Email from EPD LT (Apr. 17, 2025).

¹³⁰ Interview with EPD LT (Apr. 1, 2025).

Despite these challenges, in considering the entirety of the incident, including the BWC footage, interviews, available reports, public media and social media, it appears that all significant portions of the events were captured on BWC. The usage of the BWC by both the HCSO and the EPD, as well as other agencies, effectively captured the three significant scenes described in this report. It showed the officers effectively de-escalating a potentially violent conflict on the Vision Way Overpass, and it showed the demonstrators' presence at a school, which caused significant concern.

The following section discusses EPD officer compliance with the Department's BWC policy in greater details. Overall, however, the obvious lack of understanding of the operation of the BWCs is not a policy issue but, instead, a training and public credibility issue. Body-worn cameras have been established as an important tool in law enforcement for a number of reasons, including their ability to help foster transparency, credibility, accountability, and public trust. Officers working in the field with important new equipment that they do not fully understand how to operate properly compromises police credibility and public trust – especially when the community only hears a portion of the recorded audio with officers asking how to turn the BWC off.

C. Policy

It was not within the scope of 21CP's work to do a full assessment of the Evendale Police Department's policy manual. EPD purchased their department policies from Lexipol LLC. Lexipol LLC is a private company based in Frisco, Texas that some jurisdictions engage to create, manage, and update policies.¹³¹ Relevant to this investigation, 21CP reviewed EPD policies entitled:

- Policy 300 - EPD Use of Force Policy
- Policy 420 - EPD Body Worn Camera Policy
- Policy 323 - EPD Mutual Aid Policy
- Policy 324 - EPD Major Incident Notification Policy
- Policy 400 - EPD Patrol Function Crowds Events Gatherings
- Policy 425 - Evendale PD Policy First Amendment Assemblies

Because no force was used by any EPD officer, many elements of the Use of Force policy that address the actual application of force are therefore inapplicable, and any analysis of those policy provisions is beyond the scope of this review.

EPD clearly benefitted from a large mutual aid response from neighboring police agencies, and the appropriate people within the EPD command structure were notified in a timely manner. Generally, it appears that officer interactions with demonstrators and the community members was consistent with EPD policies 400 and 425. However, 21CP noted in our interviews with the EPD supervisors that they were not confident about the specific content of EPD's policies in this regard.

As discussed previously, EPD officers had particular trouble with their BWCs. Despite shortcomings in understanding how they worked, it appears that EPD's use of BWCs was generally consistent with Policy 420. Section 426.6 of that Policy requires that officers activate their BWCs during any contact that becomes adversarial or in any event the officer reasonably believes should be recorded for law enforcement purposes. Equally important to the activation requirements, Section 420.6.1 speaks to the cessation of recording, or when it is permissible to deactivate the BWC:

¹³¹ Lexipol, Solutions, "Policies and Updates," <https://www.lexipol.com/solutions/policies-and-updates/> (last visited May 16, 2025).

Once activated, the BWC should remain on continuously until the officer reasonably believes that his/her direct participation in the incident is complete, or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Across all of the BWC video reviewed by 21CP, deactivation was accomplished after any significant activity had ended, which is consistent with EPD's policy requirements.

D. Training

21CP interviewed the EPD Chief, as well as the EPD supervisors who were involved in this incident regarding training. Additionally, 21CP reviewed training records provided by EPD.

Prior to the incident, EPD officers had received basic training in protest management, crowd control techniques, constitutional issues presented by 1st and 2nd Amendment demonstrations and protests when they attended basic police training at the beginning of their careers. More recently, training records show that the majority of the EPD personnel involved on February 7 completed a course in Crisis Mitigation in 2024. Two of the EPD officers completed a seminar in Response to Mass Violence and Mass Protest in 2023 and one of the supervisors involved completed a course in Crisis De-Escalation for Law Enforcement in 2023. All of these courses were offered by the Ohio Peace Officer Training Commission (OPOTA), which is the official certifying body for police officers in the State of Ohio.

Subsequent to the February 7 incident, the EPD Chief held a debriefing and training session with all EPD personnel involved. The EPD Chief recognized from this session that, although his staff performed according to agency policy, additional training and review of agency policy would be useful. EPD says that this will be accomplished in roll-call style training. Additionally, all EPD officers will be required to complete the OPOTA course relevant to protests and demonstrations. Finally, the EPD Chief has contacted the chiefs of the jurisdictions that border Evendale to review agency policies and plan for multi-jurisdictional training.

E. Post-Incident Communication & Transparency Considerations

The Village of Evendale made its first public statement regarding the February 7 events on February 17, or ten days later. In this statement, the Mayor of the Village of Evendale wrote:

The presence of Neo-Nazis in the Village of Evendale on February 7—right next to the historically significant Village of Lincoln Heights—is an attack on the values that define us. We stand with the people of Lincoln Heights as friends, neighbors, and co-workers. A hate group targeting one of us is an attack on us all.¹³²

This statement was the first of eleven subsequent statements made by the Mayor. In total, at the time of writing, there are twelve statements, or other types of public communications, on the Village of Evendale's website, on the sub-page Village of Response to February 7¹³³ One of these public communications is *Resolution #25-0 A Resolution Condemning*

¹³² See Village of Evendale, "Mayor's Statement 2/17/25," <https://www.evendaleohio.org/mayor-s-statement-21725/pages/mayor-s-statement-21725> (last visited May 16, 2025).

¹³³ See Village of Evendale, "Village Response to February 7th," <https://www.evendaleohio.org/mayor-s-letter-cincinnati-enquirer-editor—turning-division-opportunity-april-2025> (last visited May 11, 2025).

Hate Group Ideology and Rhetoric, which was passed on February 11, during the Village’s scheduled Council Meeting.¹³⁴ Additionally, on February 24, the Village hosted a press conference, during which the Mayor, Councilmembers, the Chief of EPD, and a member of 21CP’s investigative team made statements.¹³⁵

This investigation does not aim to assess or analyze the content of each of those communications but, rather, only to address one component: the ten-day delay between the events of February 7 and the first public statement being issued by the Village. The investigation heard from Village leadership that “we wish we had come out a little bit earlier on our reaching out to everyone and speaking on how saddened and awful it was that it happened.”¹³⁶ Similarly, the investigation heard in an interview with an EPD representative, “I would have liked to have seen a stronger condemnation of the behavior of the Nazis from the Village of Evendale quicker than it came.”¹³⁷

The delay, however, does not appear to have been due to lack of concern or prioritization on the part of Village leadership, who were collaborating and working hard behind the scenes to develop a communications response that “was accurate and correct, [which required that] we reviewed BWC and had our facts in place before we released anything publicly.”¹³⁸ One leader told the investigation, “I felt like I was on the phone the entire weekend except to get a couple hours of sleep. That included talking to state officials, other community representatives, and to each other about how we should proceed.”¹³⁹ The behind-the-scenes work also included working with external communications professionals that assisted the Village with developing messages that were empathetic, “cohesive, meaningful and digestible”¹⁴⁰ and accounted for the nuances of the incident.

As the behind-the-scenes work was happening, during the intervening, ten-day period, the only public communication from the Village regarding February 7th was from the Chief of Evendale PD, who, on February 11, issued a “Statement of Facts Regarding Nazi Demonstration.”¹⁴¹ Also on February 11, the Chief was tasked with addressing the thirty to forty people who attended the Council Meeting. According to the Chief, he “talked to two Councilmembers and the Mayor before the Council Meeting, and it was decided...that this issue originated with the police department, so I should address the issue at the beginning of council.” In his address, the Chief told the investigation that he condemned the behavior of the demonstrators as “hurtful, disrespectful and hateful,” while also explaining “that people have rights and even when they exercise those rights in an ugly way, it doesn’t give us the right to stop them.”¹⁴² According to the Chief, the attendees at the meeting “softened” during the first part of his address, and “went rigid” during the second part.¹⁴³

Village leadership recognized the challenging position in which they put the Chief. The Chief became “the default and de facto spokesperson for the Village...I cannot tell you how unhappy I am with that, forcing him to do this, to be the spokesperson for the Village.”¹⁴⁴ It should be emphasized that Village leadership did not criticize the content of the

¹³⁴ See Village of Evendale, “Village of Evendale, Ohio, Resolution #25,01,” https://www.evendaleohio.org/sites/g/files/vyhliif3126/f/uploads/evendale_resolution_25-01_-_hate_group_condemnation_-_february_2025_0.pdf (last visited May 11, 2025); Interview with Village of Evendale leadership (May 5, 2025).

¹³⁵ See Todd Dykes and Fletcher Keel, “Evendale Officials Introduce Independent Firm to Investigate Police Response to Neo-Nazi Demonstration,” WLWT5.com (Feb. 24, 2025), <https://www.wlwt.com/article/evendale-neo-nazi-demonstration-independent-firm-review/63903707>.

¹³⁶ Interview with Village of Evendale leadership (May 5, 2025).

¹³⁷ Interview with EPD representative (Mar. 27, 2025).

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ See Evendale Emergency Services, “Statement of Facts Regarding Nazi Demonstration,” Facebook https://www.facebook.com/permalink.php/?story_fbid=952871030277352&id=100066633913760 (Feb. 11, 2025).

¹⁴² Interview with EPD personnel (Mar. 27, 2025).

¹⁴³ *Id.*

¹⁴⁴ Interview with Village of Evendale leadership (May 5, 2025).

Chief's messaging, but rather, reprimanded themselves for putting the Chief in the position to speak on behalf of the Village. Moreover, Village leadership commended the Chief and EPD for their overall response to the events of February 7, saying, "at the end of the day, we are incredibly grateful for what the officers did. We ended up with no major tragedy."¹⁴⁵

On February 12, The Lockland School District Board of Education also issued a public announcement to the Lockland School District Families and Communities That [They] Serve. After laying out the facts of the incident, particularly those regarding the U-Haul truck at the Lockland School District Educational Annex Building, the statement says, "We are outraged by the fact that this occurred in our community. We regret that we were not able to report all of this information publicly until now, however we realize the importance of ensuring that the information is factual and accurate prior to sharing in an effort to avoid confusion and distrust."¹⁴⁶

It should also be noted that during the intervening ten-day period, and following it, Village leadership also conducted outreach to and met with various neighboring communities, including, but not limited to, the Villages of Lincoln Heights, Woodlawn, Wyoming, and Glendale. These engagements included Village of Evendale leadership attending a Lincoln Heights kids' basketball game in Evendale, a prayer vigil, a closed-door session at Princeton School District about child safety, and meeting with religious groups.¹⁴⁷ Thus, as is mentioned above, the delay in communication was not for lack of concern or effort.

However, while the investigation understands the desire to and importance of getting the messaging just right, in the future, issuing a public statement immediately following the incident, even if not perfect, may allay some of the criticisms about perceived lack of transparency and accountability, as well as help to diminish the spread of rumors and misinformation. Additionally, in the future, for demonstrations or incidents of this depth, magnitude, and complexity, the Village of Evendale should take the lead on the communications response.

F. Recommendations

21CP's review of this incident and the response to the incident by the Evendale Police Department identified areas for recommended improvement in policy, training, and operations.

- 1. All Evendale police officers should undergo available OPOTA training in protest management and crowd control. Additionally, some members of the Evendale Police Department are members of the Hamilton County Police Associations Mobile Field Force team and SWAT team. Both of these teams receive ongoing specialized training in protest management and crowd control, therefore Evendale should designate these officers as internal trainers to share their knowledge and understanding of these important police activities.**
- 2. All Evendale police officers should undergo available OPOTA training as well as available specialized training in the constitutional issues police officers face in performing their duty. In this instance, the Evendale officers did perform well in recognizing and understanding the**

¹⁴⁵ *Id.*

¹⁴⁶ Lockland School District Board of Education, "Public Announcement from Lockland School District Board of Education," https://www.facebook.com/story.php?story_fbid=1113292023929093&id=100057449169129 (Feb. 12, 2025).

¹⁴⁷ Interview with Village of Evendale leadership (May 5, 2025).

constitutional rights of all parties involved, but in interviews the officers stated they had not had any specialized training in these important topics other than the few listed above.

3. The Evendale Police Department should draft and enforce a policy requiring members to be trained and tested on new equipment before it is permitted for use in the field. The confusion around the operation of the new BWCs fortunately did not hamper the recording of important portions of the incident, but the lack of understanding of the equipment caused some embarrassment and public criticism that could be avoided by better preparation in the future.
4. The Evendale Police Department should amend their Body Worn Camera policy to forbid any item from being placed as an obstruction to the BWC's view while recording is taking place. In this instance, a seatbelt obscured potentially important portions of the events that occurred. This policy revision should address seatbelts, clothing, and any other item that may obstruct the BWC. 21CP is not advocating the disuse of the seatbelt, but rather a placement of the camera so it is not obstructed while the seatbelt is worn.
5. The Evendale Police Department should initiate a practice, governed by policy, of routine training refreshers on both agency policy as well as other key law enforcement topics, to ensure its members remain up-to-date and aware of critical issues that may arise. Although no notable policy violations were observed in this incident, the supervisors 21CP spoke with indicated they knew of the existence of policies but had not reviewed them recently and were generally unaware of what they contained.
6. The Evendale Police Department should draft and enforce a policy requiring officers to notify neighboring jurisdictions any time an Evendale officer will take action or attend to an official law enforcement matter in a jurisdiction outside the Village of Evendale. Incorporating such a practice will enhance safety for the Evendale officers as well as provide immediate notification to the affected jurisdiction, thus enabling them to assist or intervene as necessary.
7. The Hamilton County Emergency Communications Center, in concert with the Hamilton County Emergency Management and Homeland Security Agency, should consider developing and implementing a notification protocol for all schools in Hamilton County to be made aware of dangerous situations occurring that may present elevated risks for school populations. Such a notification protocol would empower school officials to make timely decisions regarding canceling classes, delaying dismissal times, rerouting of school buses, or other adjustments that would benefit school children in the area.
8. The Hamilton County Prosecutor's Office should review all conduct by the demonstrators while they were in Hamilton County, Ohio. Their conduct caused great upset as well as discord amongst and between communities. The rule of law must prevail, and persons who engage in outrageous but lawful behavior are protected from governmental action or retaliation. Conversely, persons that engage in outrageous behavior that causes the risks

and chaos that ensued on February 7, 2025, deserve to have their actions reviewed and they deserve to be held accountable under the law if any violations are noted.

Timeline of Events, February 7, 2025

All times are approximate

2:00 PM	Demonstrators arrive on Vision Way overpass (no video or exact timestamp available)
2:09 PM	First officers dispatched to Vision Way
2:12 PM	Officers (HCSO) initially arrive on Vision Way
2:13 PM	EPD Chief notified of demonstration occurring on Vision Way; EPD officers meet in a parking lot nearby to observe the demonstrators' activity
2:19 PM	Photo of Demonstrators texted to EPD Chief
2:34 PM	First EPD Officer arrives on the Vision Way Overpass
2:36 PM	EPD Chief requested Mobile Field Force response
2:43 PM	Traffic on and to Vision Way is shut down/rerouted
2:49 PM	Demonstrators tell EPD Supervisor they wish to leave; EPD Supervisor broadcasts a request to allow the U-Haul to approach the Vision Way Overpass
2:50 PM	U-Haul drives onto Vision Way; Citizens approaching demonstrators
2:51 PM	Police order demonstrators to depart immediately
2:51 PM	Swastika flag ripped away by citizens
2:52 PM	U-Haul drives away, eastbound on Vision Way
2:53 PM	EPD Supervisor leaves Vision Way to locate U-Haul ref disposition of the Jeep
2:58 PM	Swastika flag is apparently burned in the street west of Vision Way
2:58 PM	EPD supervisor stops on S. Cooper Court; U-Haul stops behind him
3:01 PM	EPD Supervisor departs S. Cooper Court with Jeep Demonstrator in car
3:03 PM	U-Haul departs S. Cooper Court
3:05 PM	Lockland School on S. Cooper Avenue dismisses classes for the day
3:05 PM	EPD Supervisor arrives back at Vision Way with Jeep Demonstrator in car
3:12 PM	HCSO, with mutual aid from several police agencies, turns their attention to the Jeep parked near Techview & Mangham Drives
3:29 PM	EPD Supervisor arrives at EPD station and deactivates BWC
4:06 PM	Tow truck arrives in parking lot on Techview Drive to tow Jeep

4:10 PM	HCSO deputy climbs onto bed of tow truck and asked a female that was dancing and videoing the crowd to get down. She complied. Other officers and deputies are talking to citizens in an attempt to get the tow truck backed into position.
4:23 PM	An HCSO deputy asks several people sitting and leaning on the back of the tow truck to move away to facilitate the truck backing into position. They complied.
4:33 PM	Tow truck takes possession of Jeep
4:39 PM	Tow truck departs parking lot to go to HCSO Impound facility
4:30 PM	MFF pulls onto Vision Way overpass
4:43 PM	MFF departs Vision Way
7:00 PM	Jeep Demonstrator makes telephonic offense report with HCSO ref damage to the Jeep



Charles H. Ramsey
Sean M. Smoot
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Investigative Team