

Interview of Officer Kevin Fairchild

JAMES RUTH: Lucy Denardo (SP), you're going deal with her?

PATRICK D'ANGELO: Yeah, I haven't dealt with her but the name is familiar. This is Officer, uh, Kev---that is is just like, uh...

KEVIN FAIRCHILD: ...He knows (laughing)...

JAMES RUTH: ...That's why I drink coffee...

PATRICK D'ANGELO: ...Fairchild. Crazy coffee, it's got my mind full of stuff.

JAMES RUTH: Is Jeff coming in or...?

PATRICK D'ANGELO: ...No, he's---he's on the phone. We'll get started.

JAMES RUTH: (()) they drink this stuff? That is bad coffee.

STEVE KINAS: Yep. I agree to that one.

JAMES RUTH: Officer Fairchild, your first name?

KEVIN FAIRCHILD: Kevin.

James Ruth: That's Fairchild, right.

KEVIN FAIRCHILD: Yes sir.

JAMES RUTH: Alright Kevin, I want to let you know that I'm Det. Sgt. Ruth I'm with City of East Cleveland Police Department.

DONALD CLELAND: Sgt. Cleland with Cuyahoga County Sheriff's Office.

JAMES RUTH: Let you know what we are doing here is a criminal investigation, it's not an internal, uh, because of that, I'm going to go ahead and read you your Miranda Rights. You have the right to remain silence, do you understand that?

KEVIN FAIRCHILD: Yes, sir.

JAMES RUTH: Anything you say can and will be used against you in a court of law, do you understand that?

KEVIN FAIRCHILD: Yes, sir.

JAMES RUTH: You have the right to talk to a lawyer and have him present with you while you're being question, do you understand that?

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KEVIN FAIRCHILD: Yes, sir

JAMES RUTH: If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish, do you understand that?

KEVIN FAIRCHILD: Yes

JAMES RUTH: You can decide at any time to exercise these rights and not answer any questions or make any statements, do you understand that?

KEVIN FAIRCHILD: Yes.

JAMES RUTH: Okay, do you understand these rights that I explained to you?

KEVIN FAIRCHILD: Yes.

JAMES RUTH: And, you have these rights in mind, do you wish to talk to us now?

KEVIN FAIRCHILD: Yes.

JAMES RUTH: Okay now the formality is out of the way

KEVIN FAIRCHILD: Okay.

JAMES RUTH: Alright, Kevin, How you holding up, you alright?

KEVIN FAIRCHILD: Yes.

JAMES RUTH: I know, major incidence, you know, people talk, but, you know, by you being involved, I want to make sure you're doing alright. Uh, how long have you been in Cleveland, now?

KEVIN FAIRCHILD: Uh, it'll be fifteen years in February.

JAMES RUTH: Okay, where you assigned at in Cleveland?

KEVIN FAIRCHILD: Second District Vice Unit.

JAMES RUTH: How long you've been doing that?

KEVIN FAIRCHILD: Seven years.

JAMES RUTH: And what's your---like your shift, supervisor, days off, things like that?

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KEVIN FAIRCHILD: Uh, we work 1800 to 0200 Monday through Friday, but flexible.

JAMES RUTH: Are you on the same shift as uhm...

KEVIN FAIRCHILD: ...Graves.

JAMES RUTH: ...Graves, thank you.

KEVIN FAIRCHILD: He's my partner.

STEVE KINAS: He wasn't that night.

JAMES RUTH: Okay that threw me off...

KEVIN FAIRCHILD: ...paperwork wise we are both use ((2 8 4))...

JAMES RUTH: ...Okay...

KEVIN FAIRCHILD: ...but we don't always work together because, ((we use Z cards))

JAMES RUTH: Right, right, right, okay. That's what threw me off there for a minute.

KEVIN FAIRCHILD: Gottcha.

JAMES RUTH: So same supervisor, the uh Sergeant Colman...

KEVIN FAIRCHILD: ...Yes...

JAMES RUTH: ...and Lieutenant...

KEVIN FAIRCHILD: ...(())...

JAMES RUTH: ...That's right, that's, ((the way we)) need his name spelt to us. Now you working---I know he's ((working side jobs, Browns)) are you working side jobs with anybody or...

KEVIN FAIRCHILD: I work, uh I work at a bar, I work at a gas station.

JAMES RUTH: How much---how many times do you do that a week, or?

KEVIN FAIRCHILD: The---the bar is only every other week, Monday and, uh, the gas station is on the weekends.

JAMES RUTH: Did you work any part time before this night at all?

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KEVIN FAIRCHILD: No.

JAMES RUTH: And, uh, so, you---((playing)) with any drugs, no alcohol, or any prescription medication things like that?

KEVIN FAIRCHILD: No.

JAMES RUTH: Nothing on currently?

KEVIN FAIRCHILD: Nope.

JAMES RUTH: And nothing during the night of the incident?

KEVIN FAIRCHILD: Nope

JAMES RUTH: You don't wear corrective lenses, or contacts do you?

KEVIN FAIRCHILD: No.

JAMES RUTH: Okay, give us information about the uniform, what you wear when you're working out there?

KEVIN FAIRCHILD: Uh, that night I---I---normally it's just civilian clothes. Uh that night I had a pair of black ((looking)) pants on, uh, a vest and brown coat. I don't remember what shirt I had on.

JAMES RUTH: Vest---well, undercover vest or Tact...

KEVIN FAIRCHILD: ...Tactically vest has police on the front, police on the back.

JAMES RUTH: You always have something on when you're out there for vice, some kind of vest?

KEVIN FAIRCHILD: In our detective cars, yes.

JAMES RUTH: And your equipment you carry, what---what do you normally carry in way of?

KEVIN FAIRCHILD: I have my city issued weapon, my, uh, my taser and uh, just the radio only thing---I think is the only thing I usually take.

JAMES RUTH: How about magazines---how many magazines you carry?

KEVIN FAIRCHILD: Uh, Just the one in my gun, the other two won't fit on my vest so I don't carry them.

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DONALD CLELAND: And what is the capacity of the magazine?

KEVIN FAIRCHILD: ...I have the Nineteen, so what is that fif---sixteen?

STEVE KINAS: Fifteen plus one.

KEVIN FAIRCHILD: Sixteen.

JAMES RUTH: When you're out there do you have any like personal recording device, audio or visual?

KEVIN FAIRCHILD: Uh, if we are doing an investigation where we---we do have audio and visual recording stuff, but I didn't have any on that day, no.

JAMES RUTH: Okay, uh, now you had nothing. Now what cruiser---what unit number were you in?

KEVIN FAIRCHILD: Uh, I was driving a car that was labeled 2 8 8.

JAMES RUTH: What---What kind of car was that?

KEVIN FAIRCHILD: It's a Ford Crown Victoria, black.

JAMES RUTH: You'd said 2 8 8?

KEVIN FAIRCHILD: Yes.

DONALD CLELAND: And how's that one equipped? Does it have an M D T? Does it have...

KEVIN FAIRCHILD: ...No...

DONALD CLELAND: ... a, uh, in car camera, spotlight, and...

KEVIN FAIRCHILD: ...the spotlight doesn't work.

DONALD CLELAND: Okay.

JAMES RUTH: How many were in your car this night---the night of this incident?

KEVIN FAIRCHILD: Uh, I was by myself.

JAMES RUTH: Okay, you had no partner?

KEVIN FAIRCHILD: No. We all just kind just---kind of ran out of the District.

JAMES RUTH: Okay.

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KEVIN FAIRCHILD: We were all at the District, just had an investigation just ended and they were doing property. When it happened so we all just grab cars and left.

JAMES RUTH: Yeah, I'll ask you about that...

KEVIN FAIRCHILD: ...Okay, sorry...

JAMES RUTH: ...No you're fine, so this thing had emergency lights sirens.

KEVIN FAIRCHILD: ...Yes...

JAMES RUTH: ...No MDT?

KEVIN FAIRCHILD: No.

JAMES RUTH: What normal radio channel you're on with that?

KEVIN FAIRCHILD: When we're working we're on tactical 2.

JAMES RUTH: Okay how about the cars, you keep it all the same?

KEVIN FAIRCHILD: Well it can be transferred to any channel, but when we're working strictly in our unit we used tactical 2, but we'll use channel 2 for radio purposes.

JAMES RUTH: Okay, well like this night...

KEVIN FAIRCHILD: ...it was channel 2.

JAMES RUTH: Okay. Now, so I'll ask you about any training, uh, you have any specialize training in the way of being S W A T, instruction certification, defact---defensive tactive, uh...

KEVIN FAIRCHILD: ((Just everything through the academy classes))

JAMES RUTH: Any military training or experience at all?

KEVIN FAIRCHILD: No.

JAMES RUTH: And weapons qualifications, uh, with the glock is that through the city?

KEVIN FAIRCHILD: Yes, just passed in August.

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JAMES RUTH: And, how about use of force training, when was last time you had any of that?

KEVIN FAIRCHILD: ((Use of force training every year in service))

JAMES RUTH: Service? And you are currently an O P O T A Police Officer certified right?

KEVIN FAIRCHILD: Oh, I hope so, yes, I haven't got a letter saying otherwise.

(Laughter)

DONALD CLELAND: ((okay)) I'm going to kick back a little bit to some background information. Can I get your date of birth?

KEVIN FAIRCHILD: [REDACTED]

DONALD CLELAND: And current address?

KEVIN FAIRCHILD: [REDACTED]

DONALD CLELAND: (Coughed) Pardon me. That's in [REDACTED] ?

KEVIN FAIRCHILD: [REDACTED].

DONALD CLELAND: [REDACTED] Okay and your phone number?

KEVIN FAIRCHILD: [REDACTED]

DONALD CLELAND: Is that a home or cell phone?

KEVIN FAIRCHILD: Cell phone.

DONALD CLELAND: Okay. Do you have a department issued cell phone?

KEVIN FAIRCHILD: No.

DONALD CLELAND: No, okay. Let's go to the night of the 29th , how did it come about that you became involved in this in any manner?

KEVIN FAIRCHILD: We were in our district in our office working on reports and evidence from prior investigation. When Sergeant Colman came in said that they were chasing a car that shot at Officer Nan. Uh, We then just gab our ve---I just grab my vest, keys to a car, which happened to be 2 8 8 car, and proceeded to the location to try to catch up with the chase.

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DONALD CLELAND: (Coughing)

KEVIN FAIRCHILD: I got involved in the chase around West 45th and Clark.

JAMES RUTH: Did you ever see the car there?

KEVIN FAIRCHILD: Yeah, it passed me. I wa---When I came---I would---first I went North because they were on Lorain. So I proceeded North on 41st and when towards 90 they went South on 85th so, I was going to jump on the highway, figuring they were going on the highway and they actually went to Clark. So I came back South on 44th and they were broadcasting they were coming up on 44th, but I never saw the car and then so, I turned and starting going West on 44th and it came---it was right at me.

JAMES RUTH: What happened when he came at you?

KEVIN FAIRCHILD: I'd turned around...

DONALD CLELAND: ...(Coughing)...

KEVIN FAIRCHILD: ...right there at 46th, uh, 2 4 3 Adam ((think that was)) they were the lead car and I got behind them.

JAMES RUTH: So you were number 2 car by then?

KEVIN FAIRCHILD: Yeah.

JAMES RUTH: What---did you transmit anything over the radio at any time saying "here I am" or "this is what I doing"?

KEVIN FAIRCHILD: No, I wasn't going to break in while they were broadcasting locations.

JAMES RUTH: So, that all you heard at that time was them broad---broadcasting locations?

KEVIN FAIRCHILD: Yes, I was not on the radio prior to that, I didn't know what happened prior to just what our sergeant told us what happened.

JAMES RUTH: And how long did you stay as---as the, what'd you say second vehicle?

KEVIN FAIRCHILD: Yes.

JAMES RUTH: How long did you stay in that position?

KEVIN FAIRCHILD: Oh, maybe 79th street.

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JAMES RUTH: What happened there that made you get back or get out of second?

(Jeffrey Follmer just walked in and sat down)

KEVIN FAIRCHILD: Uh, we're on Addison and came down Star and I was actually da---by that time I was lead car actually, because I took over lead, probably around 72nd and St. Clair. Uh, Wes---I don't---think West---I don't know directions over there. From 79th---Addison towards 79th, when he turned on 79th, he took a really really wide turn and I didn't even think he would make the turn. When I made the turn I was on the inside of him, not directly next to him, kind of set back a little bit. And as we were going down the street he slammed on brakes and took a right hand turn and went Ssss---I don't know the direction, took a right hand turn on that next street, striking the front of my car. At which time I tried to spin out of it, because he went this way and I went left and I did not make that turn. I went to the next street and turned right and then proceeded back into.

JAMES RUTH: So he hit your vehicle?

KEVIN FAIRCHILD: Yes.

JAMES RUTH: And what area again?

KEVIN FAIRCHILD: The driver's side front left. With his back right rear passenger's side.

JAMES RUTH: Rear passenger's side, you said?

KEVIN FAIRCHILD: His rear---yeah, his rear passenger's side, because he turned right, right in front of me.

JAMES RUTH: About what kind of speed?

KEVIN FAIRCHILD: I---I couldn't tell ya...

JAMES RUTH: ...How about during the chase I guess, when you're involved in this pursuit, I'm sorry, what kind of speed?

KEVIN FAIRCHILD: ((streets, side streets)) we were upward to the 100's on the highway.

JAMES RUTH: Okay, so on the freeway you saw---what was the top speed you saw, you think---or you remember, I'm sorry?

KEVIN FAIRCHILD: I don't even think I glanced down but once or twice and I know somewhere around 100, I couldn't tell you exactly. I was---like I said

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I was by myself so I had to keep watch for people traffic and other people.

JAMES RUTH: Right.

DONALD CLELAND: Best estimate, side street, speed?

KEVIN FAIRCHILD: I didn't even look on side street not with side traffic I didn't even---I was focusing on, car and people and car. I didn't want to get sideswipe by zone car.

DONALD CLELAND: Okay, did you have your lights & siren...

KEVIN FAIRCHILD: ...absolutely...

DONALD CLELAND: ...during this whole period?

JAMES RUTH: You said you were paying attention---what--when you were behind the vehicle, what'd you see the driver or passenger, did you see anything going on round there?

KEVIN FAIRCHILD: Yeah, it's around---when we got off 72nd and went up to St. Clair, we were staying pretty far back from the vehicle because of the uh, the mention of the gun being pointed out of the window over off of Quigley. Uh, so we kept our distant---keeping kind of out of the line of any type of fire. Coming up 72nd they were going a little bit slower than they have been during the tri---chase, so we actually got a lot closer. When we got to St. Clair itself there were other district vehicles all right in that area, so they kind of really slow down, guessing the didn't know which way to go, with all those cars. So I got pretty much right on the car....

JAMES RUTH: ...uh uhn...

KEVIN FAIRCHILD: ...The passenger was all over the place, going towards the driver, reaching back---back toward the window. Uh, all over---pulling on the door, because when they went off the highway at 72nd, think they thought the door might have popped open, because they were pulling on the door to make sure it stayed shut and uh, then we were going down 68th toward Bliss, is when I of course, broadcasted that I observed the pop can in the hand, it was in the right hand. The person was completely turned around, like this, with the hand, like this, like---and I could see there we---were black gloves on the hands, I could see that. Uh, and so, of course I broadcasted that, and I'm sure you guys have (()).

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PATRICK D'ANGELO: So you turn and the pop can was in what hand?

KEVIN FAIRCHILD: It was the right hand.

PATRICK D'ANGELO: And the left hand was extend...

KEVIN FAIRCHILD: ...the left hand was extended back towards the window. But I didn't not observe a gun at that time in that hand, at all, but I did see there were a pair of black gloves on.

JAMES RUTH: Was it---well the person leaning back---well at this time did you notice if it was male or female?

DONALD CLELAND: (Coughed)

KEVIN FAIRCHILD: No I didn't, I have no idea.

JAMES RUTH: (()) leading back the motion---did they motion, did they...

KEVIN FAIRCHILD: ...well the motion---the motion was---it was like this...

JAMES RUTH: ...okay, I saw that, did they motion like...

KEVIN FAIRCHILD: ...motion it---it's---like a gun...

JAMES RUTH: ...okay...

KEVIN FAIRCHILD: ...I did not---there was not a gun in hand. But it was motioning like--- cuz this---it's---well---its---male or female, I don't know---if you know...

JAMES RUTH: ...Right...

KEVIN FAIRCHILD: ...the driver pretty much stayed very calm very steady, he was focus dead on straight. But the passenger was all over the place reaching down, reaching over, pushing on the driver, reaching back again. Must have---when I was behind them, must have did this five, six different times doing it.

JAMES RUTH: Did you ever see that passenger get in the back seat?

KEVIN FAIRCHILD: No.

JAMES RUTH: So that whole time you saw that person was always in the front seat?

KEVIN FAIRCHILD: Yes.

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JAMES RUTH: Well you never saw the weapon per say just the pop can?

KEVIN FAIRCHILD: That's correct.

JAMES RUTH: The right hand?

KEVIN FAIRCHILD: Yeah, it was red, cylinder shape, I perceive it was a pop can.

JAMES RUTH: You saw black gloves?

KEVIN FAIRCHILD: Yeah.

JAMES RUTH: Okay, so then---contin---what street we on here?

DONALD CLELAND: Uh, 68th and Bliss.

KEVIN FAIRCHILD: It was 79th and then he went back up---well it was 68th and Bliss and we South on 71st to Addison and East on Addison then down Star to 79th I don't know what direction that is it kind only goes side way and he went to the next right off 79th, which I did not, I went to the very next street, and then I got passed up. Went down Addison to Wade Park, he went up 118 and I went up 116 and down Euclid and by the time we went back up that hill up towards the school I was probably like the fourth car. Uh, I went up the hill, came around and the ((Sheriff's Office)).

JAMES RUTH: Yeah, just going back, so you went up the hill, that where you parked, there...

KEVIN FAIRCHILD: I went up the hill and as I was coming up and over the top of it, the first thing I saw was him coming up and over the island in the middle of the parking lot. I don't know how he got turn around in that direction, I don't know what happened. All I know he was coming up and over that and I heard shots fired and ---Shots---I don't where they came from, who shot, I didn't see anyone out of their cars either. The only thing I was concentrating on was that car itself. Uhm, I was to the left. I came in and stop on the left side...

JAMES RUTH: ...(()) (pulling out pictures)...

KEVIN FAIRCHILD: ...I'd be more than happy to show you my car.

JAMES RUTH: (handing picture to KEVIN FAIRCHILD) there are some cars on that one.

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KEVIN FAIRCHILD: (took picture and looking at it) I'm that car (pointing to the picture) ((C N S 2 4 4 3 car)).

DONALD CLELAND: There a marker over there (JAMES RUTH picking up marker handing to KEVIN FAIRCHILD).

KEVIN FAIRCHILD: You want me to circle it?

DONALD CLELAND: Yes, go right ahead.

JAMES RUTH: Who was asking about---Was that you asking about the pictures of the roads and things?

STEVE KINAS: Yeah.

JAMES RUTH: (handing pictures to SK) Take a look at that and see if---I'm thinking that's going to help out when we---when we get to all that.

STEVE KINAS: This is actually (()) I don't know...

JAMES RUTH: ...The trees...

STEVE KINAS: ...the trees, uh, you have a view of...

JAMES RUTH: ...yeah, that's all we have are trees. I figure that would help out.

STEVE KINAS: The ((view)) yeah this is way better.

JAMES RUTH: So this---you're here?

KEVIN FAIRCHILD: Yes.

(Looking at the picture the whole time during this portion of the interview)

JAMES RUTH: So, you following down behind here or what?

KEVIN FAIRCHILD: No I'm stopped. I'm still facing this direction. I was probably like the fourth car (counting on picture) 1, 2, yeah, I was like the fourth car in and I was about here, when I saw him come up and over this. I came up here and stop, because I knew he wasn't going to be able to get out with all those police cars that were behind us. I got out of the car, he drove this direction.

JAMES RUTH: Uh hun.

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- KEVIN FAIRCHILD: I don't know exactly which direction---he came up through this---I don't know if he went this way or this way.
- JAMES RUTH: Okay this is actually then---the begin...
- KEVIN FAIRCHILD: ...I know what end this is. I just don't know how he got to that end, cuz, I think he went around to this way. I ran along here, he drove by me, as I got to about in front this car he was facing back this direction, he was going straight at these two cars, uh, the officer in this car (()), I observed him getting out of his car, the door open and I saw him standing outside his car, cuz (()) cars.
- JAMES RUTH: Uh hun.
- KEVIN FAIRCHILD: At which time I knew that he was probably going to ram these cars. I stopped and ran and came over this direction, when Officer McNeely was getting out of this car. I grabbed him and me and him got down here because I was figuring the shoot out was probably going to end it and I was not going to run into the line of fire. So I got down and ducked down in front of this car right here.
- JAMES RUTH: With who?
- KEVIN FAIRCHILD: Officer McNeely who was in this car.
- STEVE KINAS: Mike. Mike McNeely.
- JAMES RUTH: Now you ran to this (pointing to the picture)...
- KEVIN FAIRCHILD: ...No---no this---this car right here.
- JAMES RUTH: (handing him a marker) put a little---use that marker. That were your car is, put a little---put better "x" so I can see. Okay, so that is where you ducked behind, okay.
- KEVIN FAIRCHILD: Alright, well, that's the car McNeely was in.
- JAMES RUTH: That's where you guys went behind?
- KEVIN FAIRCHILD: No. We were actually lying down in front of this car right here.
- JAMES RUTH: Oh, okay, I gottcha.
- KEVIN FAIRCHILD: Yeah (()). Ahh that the wrong lid, sorry about that.

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JAMES RUTH: You said it was back lite could you see anything else (waving hand over picture) by way of lighting around there?

KEVIN FAIRCHILD: Oh there were lights on these---these islands (pointing to the picture) and thought out the parking lot, is that what you mean?

JAMES RUTH: Yeah, you'd---you'd said something about...

KEVIN FAIRCHILD: ...well, no, because there were police cars behind here and I just---cuz I just saw big shadow, that cuz, he's a really tall guy. I just observe him getting out of that car at that time, but once that car keep going I got out of the way. I did not see the impact of the car or police car (()).

DONALD CLELAND: Okay, when you first arrived here (pointing to picture)...

KEVIN FAIRCHILD: ...Yes...

DONALD CLELAND: ...you said they were coming over the island?

KEVIN FAIRCHILD: No, when I was (dropped pen took writing device from right front pocket) as I was right around this area...

DONALD CLELAND: ...Okay...

KEVIN FAIRCHILD: ...coming in, he was just coming up and over that island.

DONALD CLELAND: Okay.

KEVIN FAIRCHILD: Uh, there is a little bit of a hill here.

DONALD CLELAND: Okay.

KEVIN FAIRCHILD: So, I did not see how he got to this point. All I know is I saw him coming up and over this way.

DONALD CLELAND: Okay.

KEVIN FAIRCHILD: And I drove up, stopped, as he came this way and I got out. I was running like of next to the car for a few minutes, as I continued on.

DONALD CLELAND: Okay, by the time you came to---your vehicle came to rest here, had there already been---you said earlier...

KEVIN FAIRCHILD: ...yes...

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DONALD CLELAND: ...you heard shots at this point...

KEVIN FAIRCHILD: ...Yes. (()) car was right in this area when I stopped here. I was kind of right next to it.

DONALD CLELAND: Okay. The shots had already been fired, when you came...

KEVIN FAIRCHILD: ...Yes...

DONALD CLELAND: ...to rest...

KEVIN FAIRCHILD: Yes.

JAMES RUTH: Wait maybe I missed I'm sorry---in here. When did you hear the first shots? When you were laying here or when you were...

KEVIN FAIRCHILD: ...Oh no, the first shots were before I was...

JAMES RUTH: ...got there. Okay, that what I thought you said...

KEVIN FAIRCHILD: ...as I was coming down. The shots were ((don)) and I stopped, I got out.

JAMES RUTH: Did you---as ((you were running along)) did you hear anyone yelling?

KEVIN FAIRCHILD: There was---over the radio there were shots fired called.

JAMES RUTH: But did you hear, like anyone yelling for him to stopped, stop the vehicle, or things like that?

KEVIN FAIRCHILD: I'd...

JAMES RUTH: ...Do you know where the shots came from originally?

KEVIN FAIRCHILD: No I don't...

JAMES RUTH: ...Okay...

KEVIN FAIRCHILD: ...I've no idea where they came from.

JAMES RUTH: But you never heard any of the officers yelling at the car to stop or?

KEVIN FAIRCHILD: I don't remember hearing anyone...

JAMES RUTH: ...Okay...

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KEVIN FAIRCHILD: ...that---no...

JAMES RUTH: ...fine. And because you were running beside the car did you ever see a weapon then anytime?

KEVIN FAIRCHILD: No. I could not see inside the car not from where I was at?

DONALD CLELAND: Okay, as they drove passed you...

KEVIN FAIRCHILD: ...They drove...

DONALD CLELAND: ...as you were...

KEVIN FAIRCHILD: ...as they drove passed me. I came out of the car---I was kind of like this (showing with hands) to it. It just sped away there was no way I could have kept up with that car. Like I said by the time I got here (pointing to picture) he was way up here (pointing to picture).

DONALD CLELAND: Okay. And once you reached this point (pointing to picture) you took cover?

KEVIN FAIRCHILD: Yes.

DONALD CLELAND: Was there anything else you did until after all the gunfire was over with down the road?

KEVIN FAIRCHILD: No, I---after the shots were fired, walked up and policed the area see if everyone was alright. Uh, there were a bunch of people all over the place, I could not tell you how many people were. Couple people I'd observed ((vice looking like they were going to put his putting handcuffs on them, the passenger)). But then someone came up and was getting everyone away from the guy. I don't know who it was.

JAMES RUTH: Okay you never fired a round?

KEVIN FAIRCHILD: No.

JAMES RUTH: Okay question why didn't you fire?

KEVIN FAIRCHILD: There were other cars right along here, if I would have fired I'd could have had a very good chance of striking somebody.

JAMES RUTH: Okay. McNeely, did he---did you---I'm not sure, was he one of the shooters at all did he fire...

KEVIN FAIRCHILD: ...No...

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JAMES RUTH: ...at all...

KEVIN FAIRCHILD: ...no actually he was still---actually---when I grabbed him out of the car and put him over here.

JEFF FOLLMER: He was not on the list. So, I'm---I'm adding him on the list.

STEVE KINAS: I just remembered now he was on scene.

JEFF FOLLMER: Yeah.

JAMES RUTH: Oh that---that's why---I'm--- it just threw me off, I'm like wait a minute what where this...

JEFF FOLLMER: ...Yeah, he's just...

(Everyone talking over each other not able to make anything out)

JAMES RUTH: Eh?

KEVIN FAIRCHILD: Kidding.

KEVIN FAIRCHILD: So, now you have another interview.

JEFF FOLLMER: Yes.

KEVIN FAIRCHILD: Sorry about that.

STEVE KINAS: He was a one man, right?

KEVIN FAIRCHILD: Yeah.

JAMES RUTH: Was he vice or was he a plain officer(())?

KEVIN FAIRCHILD: He is on C S Unit Community Service Unit.

JAMES RUTH: Okay.

KEVIN FAIRCHILD: ((I know))

JAMES RUTH: Alright you never saw any weapons, you heard the shots, you've no idea where they are coming from...

KEVIN FAIRCHILD: ...Correct...

Interview of Officer Kevin Fairchild

JAMES RUTH: ...you grabbed McNeely you both went down behind the car (()) black (())?

KEVIN FAIRCHILD: Yes.

JAMES RUTH: How long did it ((fly)) around that you heard gun shots go off?

KEVIN FAIRCHILD: Felt like forever but it wasn't but few, six second (()).

JAMES RUTH: Okay, after things subsided, did you hear anyone say anything what was--- what was going on than, that you saw?

KEVIN FAIRCHILD: Well, they were all---around the car---they were, you know make sure ((there was no movement in)) car. Noone really said much of anything, uh, I didn't seen---I didn't learn anything that would have happened, except all the shots that (trailed off chuckling).

JAMES RUTH: But you didn't see anything---of the shots taken place...

KEVIN FAIRCHILD: ...no...

JAMES RUTH: ...because you were down behind the car?

KEVIN FAIRCHILD: Correct.

JAMES RUTH: And so, you have no idea of who the first officer to even shoot or if the car shot, nothing, right?

KEVIN FAIRCHILD: No idea.

DONALD CLELAND: What was basically the sound of the gunfire when you were---you were here, so you'd have been able to hear everything?

KEVIN FAIRCHILD: Yes.

DONALD CLELAND: Give me an idea of what the gunfire was like?

KEVIN FAIRCHILD: A lot. I think it was constant, it was quick, burst, I mean I'd---it almost sounded like assault rifle it was how quick they all were.

JAMES RUTH: Speaking of that. Know what---I'd another thing---you were involved--you have any prior involvement in any type of shooting incidences at all?

KEVIN FAIRCHILD: No.

Interview of Officer Kevin Fairchild

JAMES RUTH: For yourself, you ever been around any police officer involved shootings?

KEVIN FAIRCHILD: At scene, no I've arrived shortly after to assist with scenes, but...

JAMES RUTH: ...other ones, besides this one, okay?

KEVIN FAIRCHILD: Yes.

DONALD CLELAND: During the time period that you were in the pursuit, from any point where you could see or hear this vehicle. The suspect's vehicle that you were follow, where there any noises that came from that vehicle?

KEVIN FAIRCHILD: Yes, from around dead man's turn. It---there was a very loud pop thing, which, I believe the rear tire was going to blow. And I...

JAMES RUTH: ...From the bang it sound---it sound like a tire blowing?

KEVIN FAIRCHILD: Yes. There was a bang and then a flash that came from the rear tire and uh, ((Seever)) broadcast first thing said that the tire blew, and I ((reinterated)) the point that the rear tire blew and when we came through dead man's, it was still inflated and I broadcasted I guess it didn't lose a tired, it was a very loud bang, pop.

JAMES RUTH: You talk to anybody else about this incident, any other officers (())?

KEVIN FAIRCHILD: Directly no not directly about what happen, just.

JAMES RUTH: On scene did you use your cell phone to take any pictures?

KEVIN FAIRCHILD: No.

JAMES RUTH: Have you received any pictures?

KEVIN FAIRCHILD: No. Only sent a text my wife saying I was going to be late.

JAMES RUTH: (Smirked) That's probably a good thing.

KEVIN FAIRCHILD: And she still called at five o'clock.

JAMES RUTH: Now were you injured at all from acc---where the car hit ya?

KEVIN FAIRCHILD: No.

JAMES RUTH: Did you have to fill any paperwork for uh, what do we call it, for our, uh?

Interview of Officer Kevin Fairchild

KEVIN FAIRCHILD: ((P A forms)) we've been waiting to hear what they want to do with that.

JAMES RUTH: I know---since you were struck, I didn't know if you had to fill out any paperwork besides city property, damage to city property, but if you had to fill out any---workman's comp kind of thing?

KEVIN FAIRCHILD: No.

JAMES RUTH: Okay. But you said you weren't injured from that at all?

KEVIN FAIRCHILD: No.

JAMES RUTH: You believe your actions are constant--- or consistent with the training you've received.

KEVIN FAIRCHILD: Absolutely.

JAMES RUTH: And do you believe the actions of all the officer's involved were consistent with the training.

KEVIN FAIRCHILD: Absolutely.

JAMES RUTH: Has anyone ask you to lie or otherwise try to influence your statement to us

KEVIN FAIRCHILD: No.

JAMES RUTH: How about after the shooting uh, did you help do anything? Did you move objects? Uh, check any weapons? Make any calls? After the shooting?

KEVIN FAIRCHILD: No, I just waited for them to mark our car so we could drive away.

DONALD CLELAND: Who would have been the one that did that?

KEVIN FAIRCHILD: BCI came to mark the, vehicle locations...

JAMES RUTH: ...Oh, so you sat there all the way till morning time then? By the time they got out there, I gottcha. Cuz this is actually the whole crime scene the taped it off.

KEVIN FAIRCHILD: Yeah cuz initially there was just the crime scene and then they had the little one down here where they found the shell casing and then they

Interview of Officer Kevin Fairchild

((cordoned)) the entire thing off. I didn't leave until the birds were chirping.

JAMES RUTH: Alright that's it. Did you have any prior discipline (as a Cleveland Police Officer)?

KEVIN FAIRCHILD: No.

DONALD CLELAND: I think this might have been asked, but you were not injured in any way by the...

KEVIN FAIRCHILD: No.

DONALD CLELAND: At this point is there anything that we haven't asked yet, that you would like to talk to us about? About that evening?

KEVIN FAIRCHILD: I don't think so.

DONALD CLELAND: I think I just wanted to clarify one thing, when you said you were going around dead man's curve, you thought it was a blow tire or someone else thought it was a blow tire...

KEVIN FAIRCHILD: Well me and the other---well he broadcasted first, and I observed the same thing he did, yes.

DONALD CLELAND: Okay. Give me a little better description of that, was it---what part of the vehicle did you see the flash and then...

KEVIN FAIRCHILD: ...The passenger's rear tire.

DONALD CLELAND: The passenger's rear tire?

KEVIN FAIRCHILD: (Shaking his head yes)

DONALD CLELAND: You said it was a loud bang?

KEVIN FAIRCHILD: Yes. Was able to hear going 70 around dead man's it was so loud.

JAMES RUTH: (())

DONALD CLELAND: And you said---did you broadcast on the radio that the tire was not blow and that they were still?

KEVIN FAIRCHILD: Yes it was about 200 feet after we got out of dead man's, I looked down at the tire again, cuz we were in the high speed lane so I had to

Interview of Officer Kevin Fairchild

move over a little bit and I observed that the tire did not go flat and I said I guess the tire didn't blow.

DONALD CLELAND: And that was on channel?

KEVIN FAIRCHILD: 2.

DONALD CLELAND: Okay.

JAMES RUTH: You'd made---you'd made a statement, and I just thought about this, you said when it went down you knew there was going to be a shoot-out?

KEVIN FAIRCHILD: I said I knew it was going to end it all---I mean---he was rearing up the hill and there was nothing but police cars there and ((believing that gunfire from his vehicle)) I don't know who shot, it was just coming up the hill, and I'm sure they didn't know who just shot. He didn't look like he was going to stop and I saw an officer standing outside the car, he was going right at him.

JAMES RUTH: That's all I have. (Pointing to the picture) Can I get you to initial that when were done here and sign saying that is what you done. And then...

KEVIN FAIRCHILD: ...The red one too...

JAMES RUTH: ...do me a favor put blue is your car and red is where you were (()) location. So we know the difference here.

DONALD CLELAND: ((Where you took cover)) (whispering)

JAMES RUTH: Yeah

DONALD CLELAND: (()) (whispering)

JAMES RUTH: ((More or less for me because I confuse easy anymore))

KEVIN FAIRCHILD: I'm sure you have a lot to do here.

DONALD CLELAND: (()) (Whispering) Then if you could sign that. (())

KEVIN FAIRCHILD: Got a clock?

DONALD CLELAND: I got 1504.

JAMES RUTH: Thank you.

Interview of Officer Kevin Fairchild

PATRICK D'ANGELO: I have a question if you don't mind?

JAMES RUTH: No.

PATRICK D'ANGELO: Can I take you through the pursuit and you hearing the broadcast?

KEVIN FAIRCHILD: Sure.

PATRICK D'ANGELO: Prior to you got right up on the car and you broadcasting, uh, about the black glove and the pop can. Uh, what was, uh, what were the broadcast that were significant relative to the, uh, weapons being involved. Also what were your observations of the occupant of the suspect's vehicle?

KEVIN FAIRCHILD: When I came down off of Clark to Quigley and came up Quigley ((is when)) said they were point a gun out the back window. Uh, at that time is when we back off a little bit to give some space from the vehicle.

PATRICK D'ANGELO: Because.

KEVIN FAIRCHILD: Because of the presence of a weapon being shown. I was not able to observe that from where I was at. As we came up Quigley I broadcast on the channel to put the light on the back window so we could try to observe inside the vehicle which was done but the vehicle of course moved slightly to the left and got out of the light's view. Uh, as we went up to 14th at the roundabout there were officers at the top of the hill already in the roundabout and as we went through the roundabout and down 14th one of the officer stated that he saw the gun (Steven Kinas got up out of his chair and walked out) at the roundabout. So again the presence of the gun was still---that was still there. Again we stayed back on 14th until we got to the highway.

PATRICK D'ANGELO: During this time did you get close enough to see any movement from the passenger?

KEVIN FAIRCHILD: The passenger was, as before, when I was right on the vehicle was always moving around. Always doing the motion towards the back. Always...

PATRICK D'ANGELO: ...Could you please demonstrate the move to---move towards the back?

KEVIN FAIRCHILD: Always over left shoulder (turning left in seat with left arm extended) back to the window like this.

Interview of Officer Kevin Fairchild

PATRICK D'ANGELO: And this---What was your state of mind how did interpret that?

KEVIN FAIRCHILD: That they were pointing a weapon out to the back. That's why ask to put the light on so we could try to see what was going on.

PATRICK D'ANGELO: After---was there anything else remarkable up to the point and time when you broadcast about a pop can? Relative to the---the actions of, uh, the occupants of the car?

KEVIN FAIRCHILD: Other than that, we all believe that there was a gun involved and.

PATRICK D'ANGELO: Did you know, uh the tone of voice the officer's as they were broadcasting relative to---to the gun?

KEVIN FAIRCHILD: It was---It was very highly ((elevated)) that there was a gun ((being point out the window)).

PATRICK D'ANGELO: Uh, even after, you broadcasted relevant to the, uh, uh, pop can...

KEVIN FAIRCHILD: ...Yes...

PATRICK D'ANGELO: ...uh, what was your state of mind relative to the occupants of that vehicle may or may not have a weapon?

KEVIN FAIRCHILD: From what I observed I didn't see a weapon at that time. Now I have--when the chase continued there were further broadcast that---other people said it looks like now they are loading a weapon.

PATRICK D'ANGELO: Who said that?

KEVIN FAIRCHILD: My sergeant did.

PATRICK D'ANGELO: Okay.

KEVIN FAIRCHILD: Sergeant Coleman.

PATRICK D'ANGELO: And based on that?

KEVIN FAIRCHILD: Based on that, it---it we still believed that there was a weapon in the car, so...

PATRICK D'ANGELO: ...So from that point forward he---from the point where you observed the pop can did you believe that, that excluded the likelihood that the occupant of that vehicle had a weapon?

Interview of Officer Kevin Fairchild

KEVIN FAIRCHILD: No.

PATRICK D'ANGELO: What is your state of mind or were you acting out of the belief that they did have a weapon?

KEVIN FAIRCHILD: Yes.

PATRICK D'ANGELO: Or more than one...

KEVIN FAIRCHILD: ...I was just at the point at I saw, I did not see one and I wanted---at that time I didn't see a weapon and just I wanted everyone to know I don't see a weapon right now. I can't say there wasn't one period. Cuz I couldn't see inside the car.

PATRICK D'ANGELO: And when you continued down the uh, street where the, uh, where you heard the first gun shots go off. Again when you drove down there were still under the belief that the occupants of that motor vehicle of the suspect motor vehicle had a weapon?

KEVIN FAIRCHILD: Yes. (Pulls out his cell phone) My son just got home from school (pointing to his cell phone) is it ok I take it, just to let him know.

JAMES RUTH: Sure.

KEVIN FAIRCHILD: Hey Jud, I'll be home in a little bit, Okay. I'm---I'm still at work, just call your mom, just let her know your home. Yeah just call mom real quick. Sorry he's only eleven.

PATRICK D'ANGELO: No that's important.

JAMES RUTH: Say hey to my son (())

PATRICK D'ANGELO: Officer, uh, you indicated here today that---that one point you got out of your, uh, vehicle, uh, back here and you started, uh, were you actually running...

KEVIN FAIRCHILD: ...Yes...

PATRICK D'ANGELO: ...Parallel to where the suspect's vehicle was going...

KEVIN FAIRCHILD: ...Yes.

PATRICK D'ANGELO: Uh, did you entertain the idea of---of---of firing rounds at the suspect's vehicle?

Interview of Officer Kevin Fairchild

KEVIN FAIRCHILD: I had my gun draw, it was in my hand but when I looked over I could see the other cars on the other side. And I knew that was not going to be a very good idea.

PATRICK D'ANGELO: And that's why you didn't fire?

KEVIN FAIRCHILD: Correct.

JAMES RUTH: Yes, as you said you the officers, okay.

KEVIN FAIRCHILD: Yeah.

PATRICK D'ANGELO: Did you ever hear any, uh, inappropriate, uh, racial remarks from, uh, officers at the scene or any other time that night?

KEVIN FAIRCHILD: No.

PATRICK D'ANGELO: Did you observed any out of control inappropriate behavior of officers while on scene?

KEVIN FAIRCHILD: No.

PATRICK D'ANGELO: After the suspect's vehicle came up over this island here (pointing to the picture)...

KEVIN FAIRCHILD: ...Yes...

PATRICK D'ANGELO: ...do you have an approximation as to it's speed as it began to uh, attempt to uh,...

KEVIN FAIRCHILD: ...it accelerated really fast, it got, I mean, it got past me really quickly, so...

PATRICK D'ANGELO: ...Did you hear the car accelerate?

KEVIN FAIRCHILD: Yes.

PATRICK D'ANGELO: And you're saying from (pointing to the picture) your advance point you don't know what happened to the suspect's vehicle when it went up over this...

KEVIN FAIRCHILD: ...No, when I came over, (pointing to the picture) it was just coming up and over this little part of the curb...

(STEVE KINAS walked back in the room and sat down)

Interview of Officer Kevin Fairchild

PATRICK D'ANGELO: ...Okay...

KEVIN FAIRCHILD: ...coming up under there. I don't even know how it got there.

PATRICK D'ANGELO: Throughout---the entire time during the pursuit, based on your observation did you ever feel it upon yourself to broadcast to any supervisor that we may want to terminate this, for whatever reasons?

KEVIN FAIRCHILD: No. The only thing we ever asked for was spike strips and chopper.

PATRICK D'ANGELO: If you felt that would have been appropriate to do would you've made that broadcast to your boss? Like do we need to keep doing this or if you had some concerns as to the propriety of this?

KEVIN FAIRCHILD: I would not have terminated the chase, if I was the supervisor.

PATRICK D'ANGELO: Okay, but what---based on your observation as it being...

KEVIN FAIRCHILD: ...look traffic was not that bad, there was no pedestrian traffic out walking around, so there was no real danger to the public out there.

JAMES RUTH: Did you ever hear them call it off on the radio?

KEVIN FAIRCHILD: No

JAMES RUTH: And you said you were on channel 2 right?

KEVIN FAIRCHILD: Yes.

PATRICK D'ANGELO: Did you believe that when the gun shots, uh, started that the occupants of that suspect's vehicle were also firing?

KEVIN FAIRCHILD: I'd---when I heard the shots fired, I thought they were the one shooting at the bottom.

PATRICK D'ANGELO: Okay.

KEVIN FAIRCHILD: I was not aware of who did any shooting---but I'd was under the impression that they were the ones who were shooting...

PATRICK D'ANGELO: ...As a trained Police Officer working Second District Vice that was your belief?

KEVIN FAIRCHILD: Yes.

Interview of Officer Kevin Fairchild

PATRICK D'ANGELO: And when the, uh, round of, uh, gunshots started once you hit the ground to take cover, was it your belief that the occupants of the suspect's vehicle were also firing?

KEVIN FAIRCHILD: Yes, because there was that many at---there was that many shots firing that quickly, so I thought most ((of the people)) was shooting at us.

PATRICK D'ANGELO: Was that based upon your years of experience and also have being involved in this from the beginning to the end?

KEVIN FAIRCHILD: Yes.

PATRICK D'ANGELO: At the time---at the time (pointing at the picture) the car went around dead man's curve and you heard that uh, loud sound, that you describe, did---did it dawn upon you that was a back fire. Did the thought cross your mind?

KEVIN FAIRCHILD: No, because it didn't come from the exhaust.

PATRICK D'ANGELO: Okay, and if you thought that it had back fired would you have broadcast that?

KEVIN FAIRCHILD: Yeah, I thought the tire blew.

PATRICK D'ANGELO: Just assuming for the sake of discussion that the car backfired going around, uh,, dead man's curve. Did that in anyway change the behavior of the occupants of that vehicle, uh,...

KEVIN FAIRCHILD: ...No...

PATRICK D'ANGELO: ...as you described in going forward...

KEVIN FAIRCHILD: ...No.

PATRICK D'ANGELO: And did that have anything to do with the, uh, uh, driving the both, uh, down to the end of the turnaround here and going up over the island and all the gunfire, did that backfire have anything to do with that?

KEVIN FAIRCHILD: No.

PATRICK D'ANGELO: At---at any time that you observed this vehicle and you observed the occupants did you observed anything that lead you to believe, as a reasonable police officer, that they were trying to give up and not, uh, cause officers to believe that they had a weapon, or cause officers to believe that they were going to run them over?

KEVIN FAIRCHILD: Absolutely not.

Interview of Officer Kevin Fairchild

PATRICK D'ANGELO: Can you point to one thing that you may have observed that would have led you to that conclusion?

KEVIN FAIRCHILD: No, they never made an attempt to stop.

PATRICK D'ANGELO: Okay.

JAMES RUTH: You'd said you been in vice for seven years?

KEVIN FAIRCHILD: Yes, sir.

JAMES RUTH: I'd--this question came up last week, the first time I ever heard it but I'm just asking. Have you ever heard of anything called the "Red Zone"?

KEVIN FAIRCHILD: ((Football))

JAMES RUTH: Okay, nothing on the citywide, on a red zone, or?

KEVIN FAIRCHILD: No.

JAMES RUTH: Okay, we're done.